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Appendix Q.—(Concluded.)

HEADS OF EXPENDITURE.	MONTHLY INCREASE.		MONTHLY DECREASE.	
	Permanent.	Temporary including incidental.*	Permanent.	Temporary including incidental.*
Brought forward	947 15 0	1,239 0 0		
Office Establishments, &c., increased —(Concluded.)				
Registry Office of Indian Naval Seamen	... ...	159 0 0		
Master Attendant's Department	... ...	*500 0 0		
Master Builder's Department (see Office Establishment increased)	... ...	150 0 0		
Chief Engineer's Department (Ditto)	75 0 0	200 0 0		
Dock Yard, Police (see Office Establishment increased)	... ...	50 0 0		
Military Board Office, Marine Branch	... ...	150 0 0		
Naval Sanatarium	... ...	268 8 0		
	75 0 0	1,477 8 0		
Office Establishment decreased or discontinued.				
Indian Naval Store-keeper's	... ...	... ...	... ...	*300 0 0
Master Builder's Department	... ...	... ...	... ...	300 0 0
Coal Depôt, Aden	... ...	... ...	723 0 0	
Harbour Master, Aden	... ...	... .	67 5 3	
			790 5 3	600 0 0
Other items under the head Office Establishment, &c.				
Gunnery Officer, Acbar	... ...	... ...	. ...	25 0 0
Total of Office Establishment ...	1,022 15 0	2,716 8 0	790 5 3	125 0 0
Miscellaneous Expenses.				
Pensions	358 0 8			
Passengers	... ...	4,092 0 0		
House rent	160 0 0	* 10 0 0		
Table Money	... ...	2,750 6 11		
Compensation	... ...	*671 14 7		
Survey	... ...	*1,873 14 3		
Naval Premises	... .	0 0 0	989 0 0	
Donations	... ...	*724 8 3		
Gratuity	... ...	* 42 8 0		
Persian Expedition	... ...	2,395 0 0		
	518 0 8	12,560 4 0	989 0 0	
Abstract.				
Vessels	18,048 9 0	10,584 13 8	10 0 0	7,181 10 3
Establishments	1,022 15 0	2,716 8 0	790 5 3	625 0 0
Miscellaneous	518 0 8	12,560 4 0	989 0 0	0 0 0
Total per month	19,589 8 8	25,861 9 8	1,789 5 3	7,806 10 3

Appendix K.

CONTINGENT AND BARRACK BRANCHES.

EPITOME 1856-57.

BARRACK BRANCH.

Barrack Department.—The charges which have been passed in this Department of Public Expenditure during the year 1856-57, are as follows :—

Barrack Establishment	10,696	9	3
Stationery and Petty Supplies	843	12	6
Oil for Station Guards, Barracks, and Regimental Guards	4,642	13	0
Tinning Copper-ware	3,074	0	3
New Barrack and Office Furniture	24,641	9	11
Repairing ditto ditto	5,478	9	0
Cowdunging Public Military Buildings	6,899	2	1
Deodorizing Materials for Privies, Urinaries, &c., &c.	4,679	9	0
Making and repairing Khuskhus Tatties, and watering the same	4,565	7	0
Punkah Allowance	4,869	4	5
Repairs to Wells, Tanks, &c.	676	8	11
Cleanliness and preservation of Cantonments, Bazars, Regimental Lines, &c....	35,307	8	10
Buggy hire for Barrack Serjeant	32	8	0
Removal of Barrack Stores	601	5	4
Watchmen for taking care of empty Barracks, &c ...	336	8	11
Hire of Buildings for public purposes, ground-rent, and purchase of ground for the burial of Jews ...	4,919	2	11
Shipping Barrack materials for Bushire	7,462	13	10
Planting and watering Trees, and lighting Band Stands	6,963	3	6
Jamsetjee Water Works, Poona	3,649	13	2
Musjid Bunder Aqueduct	744	1	8
Tanks and Wells at Poona	3,734	8	0
Kapoorwadee Aqueduct at Ahmednuggur	60	1	4

making a total charge under this head of Rupees 1,34,878-0-10; being an increase of Rupees 44,296-0-10 as compared with the charges passed in 1855-56. This increase is chiefly owing to a greater demand being made during 1856-57 for new pattern Copper-ware sanctioned by G. G. O. dated 11th July 1854, and for the supply of Cots and Wooden Boxes for the Wives of European Soldiers, authorized by G. G. O. h November 1855, and also by increased charges in

EAST INDIA (ANNEXATION OF JHANSI).

RETURN to an Order of the Honourable The House of Commons,
dated 17 July 1855;—*for*,

COPIES "of a TREATY between *Ramchund Rao*, Soubadar of Jhansi, and the British Government, concluded in the Year 1817:"

"And, of all REPORTS and CORRESPONDENCE relative to the ANNEXATION of the TERRITORY of JHANSI to the British Territories."

East India House,
26 July 1855.

JAMES C. MELVILL.

(*Mr. Cayley.*)

Ordered, by The House of Commons, *to be Printed,*
27 *July* 1855.

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East India House,
26 July 1855.

T. L. Peacock,
Examiner of India Correspondence.

COPIES of a TREATY between *Ramchund Rao*, Soubadar of Jhansi, and the British Government, concluded in the Year 1817: And of all REPORTS and CORRESPONDENCE relative to the ANNEXATION of the TERRITORY of JHANSI to the British Territories.

TREATY with *Rao Ramchund*, Soobadar of Jhansi, dated the 17th November 1817.

Treaties, &c., Bombay.

WHEREAS a Treaty of defensive alliance was concluded between the British Government and the late Sheo Rao Bhaoo, Soobadar of Jhansi, under date the 6th February 1804, (or 10th of Phalgoon Vud 1860, Sumvut), when the said Soobadar was in the condition of a tributary to His Highness the Peshwa; and whereas the whole of the rights of His Highness the Peshwa over the Principality of Jhansi have since that period, been transferred to the British Government, in virtue of the Treaty concluded between the Government and the Peshwa, under date the 13th June 1817,* (corresponding with the 14th Ashadh 1874, Sumvut), and in consequence of that transfer, the relations established by the former Treaty between the British Government and Jhansi have become virtually extinct; and whereas the British Government, in consideration of the very respectable character borne by the late Soobadar, Sheo Rao Bhaoo, and his uniform and faithful attachment to the British Government, and in deference to his wish expressed before his death, that the Principality of Jhansi might be confirmed, in perpetuity, to his grandson Ramchund Rao, to be conducted during the minority of the said Rao Ramchund Rao by Rao Gopal Rao Bhaoo, manager nominated by the late Bhaoo, and confirmed by the British Government; on these considerations, and in the confident reliance of the continuation of the same friendly disposition on the part of the Government of Jhansi, and of its strict adherence to the engagements comprised in this Treaty, the British Government has consented, on certain conditions, to constitute Rao Ramchund the hereditary chief of the lands actually held by the late Rao Sheo Bhaoo at the commencement of the British Government in Bundelkhund, and now possessed by the government of Jhansi. The following Articles have, accordingly, been concluded between the British Government and Rao Ramchund Rao, under the direction and with the concurrence of his said manager, Gopal Rao Bhaoo.

Article I. THE treaty concluded between the British Government and the late Sheo Rao Bhaoo, under date the 6th February 1804 (or 10th of Phalgoon Vud 1860, Sumvut), is hereby confirmed, excepting such parts as are altered or rescinded by the provisions of this treaty.

Art. II. The British Government, with a view to confirm the fidelity and attachment of the Government of Jhansi, consents to acknowledge, and hereby constitutes Rao Ram Chund, his heirs and successors, hereditary rulers of the territory enjoyed by the late Rao Sheo Bhaoo at the period of the commencement of the British Government, and now in the possession of Rao Ram Chund, excepting the pergunna of Mote, which being held by the Jhansi Government in mortgage from Raja Bahadoor, will continue on its present footing, until a settlement of the mortgage takes place between the parties. The British Government further engages to protect the aforesaid territory of Rao Ram Chund from the aggression of foreign powers.

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* *Vide* pp. 530 to 536.

Art. III.

Art. III. The British Government having, by the terms of the foregoing Article, engaged to protect the Principality of Jhansi from the aggressions of foreign powers, it is hereby agreed between the contracting parties, that whenever the Government of Jhansi shall have reason to apprehend a design on the part of any foreign power to invade its territories, whether in consequence of any disputed claim, or any other ground, it shall report the circumstances of the case to the British Government, which will interpose its mediation for the adjustment of such disputed claim; and the Jhansi Government, relying on the justice and equity of the British Government, agrees implicitly to abide by its award. If the apprehended aggression shall be referable to any other cause, the British Government will endeavour, by representations and remonstrances, to avert the design; and if, notwithstanding the Soobadar's acquiescence in the award of the British Government, the other power shall persist in its hostile designs, and the endeavours of the British Government should fail of success, such measures will be adopted for the protection of the Soobadar's territories as the circumstances of the case may appear to require.

Art. IV. In consideration of the guarantee and protection afforded by the two foregoing Articles to Rao Ram Chund, the chief of Jhansi, that chief hereby binds himself to employ his troops, at his own expense, wherever required to do so, in co-operation with those of the British Government, on all occasions in which the interests of the two Governments may be mutually concerned. On all such occasions, the Jhansi troops shall act under the orders and control of the commanding officer of the British troops.

Art. V. Rao Ram Chund hereby agrees to submit to the arbitration of the British Government all his disputes between other States, and implicitly to abide by its award.

Art. VI. Rao Ram Chund engages at all times to employ his utmost exertions in defending the roads and passes of his country against any enemies or predatory bodies who may attempt to penetrate through it into the territories of the Honourable Company.

Art. VII. Whenever the British Government may have occasion to send its troops through the dominions of Rao Ram Chund, or to station a British force within his territories, it shall be competent to the British Government so to detach or station its troops, and Rao Ram Chund shall give his consent accordingly. The commander of the British troops which may thus eventually pass through or permanently occupy a position within the Jhansi territories shall not in any manner interfere in the internal concerns of the Jhansi Government. Whatever materials or supplies may be required for the use of the British troops during their continuance in the Jhansi territories, shall be readily furnished by Rao Ram Chund's officers and subjects, and shall be paid for at the price current of the bazaar.

Art. VIII. Rao Ram Chund hereby binds himself to maintain no correspondence with foreign States, without the privity and consent of the British Government.

Art. IX. Rao Ram Chund engages to give no asylum to criminals nor to defaulters of the British Government, who may abscond and take refuge within his territories; and should the officers of the British Government be sent in pursuit of such criminals and defaulters, Rao Ram Chund further engages to afford such officers every assistance in his power in apprehending them.

Art. X. This treaty, consisting of 10 Articles, having this day been concluded between the British Government and Rao Ram Chund, through the agency of John Wauchope, Esq., in virtue of powers delegated to him by the Most Noble the Governor-general, on the one part, and Narayun Bulwunt Rao, the Vakeel, on the other, Mr. Wauchope and the said Vakeel have signed and sealed two copies of the treaty in English, Persian, and Hindee, one of which, after being ratified by the seal and signature of the Most Noble the Marquis of Hastings, Governor-general, will be returned to the said Vakeel; and the said Vakeel having

having obtained the ratification of the Soobadar to the other copy, engages to deliver it within the same time to Mr. Wauchope.

Signed, sealed, and exchanged at Pipree, on the 17th day of November 1817 (corresponding with the 24th Kartik 1874, Sumvut, and 7th of Mohurrum 1233, Hijree).

(signed) *J. Wauchope*,
Superintendent Political Affairs.

Signature of Nana Bulwunt Rao.

MEMORANDUM.—Ratified by His Excellency the Governor-general, in camp at Pipree, on the 18th day of November 1817.

(signed) *G. Swinton*,
Persian Secretary to Government.

EXTRACT Foreign Letter from India, dated 4th March (No. 21) 1854.

2. THE chief of the State of Jhansi, which was created by the British Government a tributary and dependent principality, adopted a son the day before his death. We have decided, in accordance with a precedent in the case of this same State, that this adoption shall not be recognised as conferring any right to succeed to the rule of the principality, and that as the chief has left no descendants, and no descendants of any preceding chief of this State are in existence, the State has lapsed to the British Government.

Fort William, Foreign Department, 29 April (No. 39) 1854.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WE have the honour to transmit herewith copies of the further correspondence which has taken place subsequent to the despatch of our letter, No. 21, dated 4th March last, in regard to the affairs of the State of Jhansi.

We have, &c.
(signed) *Dalhousie.*
J. Dorin.
J. Low.
Fred. Jas. Halliday.

Fort William,
29 April 1854.

EXTRACT Political Letter to India, dated 2 August (No. 34) 1854.

2. The Raja of Jhansi adopted one of his cousins as his son, and his widow has demanded that this boy should be acknowledged as the future ruler of the principality; but after full consideration of our relations with this State, you have determined not to recognise the adoption as conferring any right to the succession.

3. In 1804 a treaty was concluded with Sheo Row Bhow, Subadar of Jhansi. That engagement was merely personal. In 1817 the British Government "resolved to declare the territory of Jhansi to be hereditary in the family of the late Sheo Rao Bhow, and to perpetuate with his heirs the treaty concluded with the late Bhow. Accordingly a treaty was made with Rao Ram Chund, grandson of Sheo Row Bhow, by the second Article of which the British Government consents to acknowledge, and hereby constitutes, Rao Ram Chund, his heirs and successors, hereditary rulers of the territory enjoyed by the late Rao Sheo Bhow." By an indulgent construction of this engagement, it was held not to be confined to the lineal descendants of Rao Ram Chund, but to extend to the lineal descendants of Sheo Row Bhow. There is no such

descend[illegible]ow living; and we have no hesitation in approving your intention to annex the territory of Jhansi to the British possessions; and you will make such provision for the widow or widows of Gungadhur Rao as you may deem expedient.

No. 24 of 1853.

From Major *D. A. Malcolm*, Political Agent, Gwalior, Bundlecund, and Rewah, to the Secretary to the Government of India.

Sir, Foreign Department, Fort William.

It is with much regret I have to report, for the information of the Most Noble the Governor-general in Council, that Gungadhur Rao, the Maharajah of Jhansi, died on the 21st instant at that place.

2. The day previously to this event the Maharajah adopted a boy five years of age, named Damoodur Gungadhur Rao, *alias* Anund Rao, whom he styles his grandson (Naheerah Khood), but who is in reality, I believe, the fifth in descent from their common ancestor, Rajhoonath Rao, and would, by our mode of reckoning degrees of consanguinity, be denominated his fifth cousin.

3. Copies of Major Ellis's letters and enclosures, reporting his interview with the Maharajah on the 20th instant, and the Maharajah's demise on the following day, are herewith enclosed for his Lordship's information. A copy and translation, also, of the Maharajah's khareeta to my address of the same date, detailing the reasons which had induced him to adopt the boy Anund Rao, will also be found among the annexed papers.

4. The sudden resolution of the chief of Jhansi to adopt a successor on his deathbed has, I believe, taken every one at his court by surprise. It was understood that he would probably make an attempt to induce us to allow him to leave his estate in the hands of his widow during her lifetime; but, from the circumstance of there being no heir male existing in the line of Sheo Rao, the Soobadar of Jhansi, with whom our first treaty was concluded, or no near relative of any description, the question of adoption was, I believe, considered one which was not ever likely to be brought forward.

5. I annex, for the information of Government, a rough genealogical tree of the Jhansi family, which may, I believe, be considered correct. From this it will be seen that the boy now adopted is descended from Rughonath Rao, the great great grandfather of the late Maharaja of Jhansi, and great grandfather of Sheo Rao, the Subadar of that State, with whom our first treaty was concluded.

6. Major Ellis has proceeded to act under the instructions conveyed in my letter of the 2d instant, a copy of which was submitted to Government on the 3d idem; and he will, of course, abstain from taking any notice of the adoption made by the late Rajah pending the instructions of Government as to the course to be adopted in regard to the affairs of the State.

7. A short sketch of our relations with the Jhansi family may, perhaps, prove acceptable to Government in this place, and assist it in forming a definite opinion as to the right, which appears to me very questionable, of the Rajah to nominate by adoption an heir to his principality.

8. On our first connexion with Bundlecund in 1804, we formed a treaty with Sheo Rao Bhow, as a servant and a tributary of the Paishwa, and in 1817, when the whole of the rights of the Paishwa over the Jhansi principality were transferred to the British Government by treaty, we acknowledged his grandson Rao Ram Chunder as the hereditary ruler of the State, with reversion to his heirs and successors; and subsequently, in 1832, we conferred the title of Raja upon him in lieu of that of Soobadar, which he had held under the Paishwa Government, and under our own subsequent to the treaty of 1817.

9. On the demise of Rao Ramchunder in 1835, without male heirs, the question of resuming the State was, I believe, discussed, but as it was found that there

there were still two sons of Sheo Rao alive, namely, Rughonath Rao and Gungadhur Rao, the State was allowed to continue in that line, which has now been brought to a close by the death of the late Raja, Gungadhur Rao.

10. I may here mention, that on the demise of Rao Ramchunder, in the year 1835, two individuals laid claim to the State, one on the plea of adoption by the late Rajah, the other by his widow, but that both were rejected as inadmissible. The records of that period are not at present with me; but the correspondence which took place on the subject will be found in your office, and a reference to it will probably show that the terms under which the State of Jhansi was held under us, precluded, in the opinion of Government, the Raja or his widow from making any adoption to the prejudice of the paramount power.

11. The widow of the late Gungadhur Rao, in whose hands he has expressed a wish that the government should be placed during her lifetime, is a woman highly respected and esteemed, and I believe fully capable of doing justice to such a charge; but as, under all the circumstances of the case, I do not consider it probable that Government will forego its right to resume this State, I trust that I may be allowed to assure her that she will be allowed to retain all the personal property of her late husband, and the palace situated in the town of Jhansi, and that such an allowance will be made for herself and the old adherents of the family as will maintain them in comfort and respectability during the remainder of their lives.

12. It is difficult for me to assign a sum which may be considered sufficient for the wants of the Ranee; but as this is the last of the Maharatta families settled in Bundlecund, and the funds derived from the Peshwa and Venaik Rao are no longer available for purposes of charity, many adherents of these chiefs will probably look to her for maintenance and support, and as Government, taking all these things into consideration, will probably wish that a liberal settlement should be made upon her, I would respectfully submit, for its consideration, that the stipend assigned to her should not be less than 5,000 rupees per mensem.

13. With regard to the adherents of the family, I have no means at present before me of stating their numbers or the amount they have hitherto received from the late Rajah; but their case can be left for future consideration, when a list of them has been prepared.

14. The State of Jhansi was for many years under our control, and so little deviation has been made in the mode in which it was managed by Major Ross, that I believe, should Government decide on resuming it, very little difficulty will be experienced in placing it on the same footing as the districts we manage for Scindia in its immediate vicinity.

15. Should Government deem it advisable that I should assume charge of it, I shall of course be prepared to do so; but as neither Major Ellis, my assistant, or myself, have any experience in revenue matters, and are much occupied with our political duties at Gwalior and Bundlecund, which will frequently require our presence in distant parts of the country, I would respectfully beg to suggest, as the preferable course, that the State of Jhansi should be incorporated with the districts in Bundlecund, now under the charge of Captain Erskine, Commissioner at Jubbulpore.

I have, &c.

(signed) *D. A. Malcolm*,
Political Agent, Gwalior, Bundlecund, and Rewah.

Political Agency Office, Camp Puna,
25 November 1853.

To Major *Malcolm*, Political Agent for Bundlecund, Camp.

Sir,

With reference to the instructions contained in your letter, dated 2d instant, I have the honour to forward a khurreeta, in original, delivered to me this morning by the Raja of Jhansi, stating that he had adopted Wamand Rao Gungadhur, *alias* Anund Rao, a boy of five years of age, a descendant of his grandfather, to be his successor, and appointed his widow to manage affairs during the minority, and begging that the sanction of Government might be obtained to the arrangement.

I returned from camp this morning, at the request of the Rajah, in consequence of finding himself worse, and when Captain Martin and myself visited him, as we did at his own request, I regret to state that we found him in what appeared to us to be the very last stage of existence; the khurreeta was read over in his presence, and it was scarcely finished before he was seized with a fit of convulsion, when we left the room, and shortly afterwards returned home.

I have, &c.
(signed) *R. R. W. Ellis*,
Political Assistant for Bundlecund.

Jhansi, 20 November 1853.

Translation of a Khareeta from *Maharaja Gunga Dhur Rao* of Jhansi, to the address of Major *Ellis*, Political Assistant in Bundlecund and Rewah; dated 19th November 1853.

After Compliments,

The manner in which my ancestors were faithful to the British Government previously to the establishment of its authority (in Bundlecund?) has become known even in Europe, and it is well known to the several agents here that I also have always acted in obedience to the same authority.

I am now very ill, and it is a source of great grief to me that notwithstanding all my fidelity and the favour conferred by such a powerful Government, the name of my fathers will end with me; I have therefore, with reference to the 2d Article of the treaty concluded with the British Government, adopted Damoodhur Gungadhur Rao, commonly called Anund Rao, a boy of five years old, my grandson through my grandfather (Nabeerah Juddee*).

I still hope that by the mercy of God and the favour of your Government I may recover my health, and as my age is not great I may still have children, and should this be the case I will adopt such steps as may appear to be necessary. Should I not survive, I trust that in consideration of the fidelity I have evinced towards Government, favour may be shown to this child, and that my widow during her lifetime may be considered the Regent of the State (Malikeh) and mother of this child, and that she may not be molested in any way.

(True translation.)
(signed) *D. A. Malcolm*,
Political Agent, Gwalior, Bundelkund, and Rewah.

To Major *D. A. Malcolm*, Political Agent for Bundelkund.

Sir,

In continuation of my letter of yesterday's date, I have the honour to inform you that I went to see the Rajah a second time yesterday evening, accompanied on this occasion by Dr. Allen, the medical officer at Jhansi; we were met on the road to the palace by a sowar telling us that the Rajah was in a fainting fit and could not receive us, in consequence of which we were returning home when a second sowar came after us, saying that the Rajah had heard of our intention to visit him, and begged that we would return and do so. We did so accordingly, and on arrival at the palace found that since the morning he had been removed from the upper storied apartment which he then occupied to one on the ground floor adjoining the female apartments as a sign that his attendants considered his end to be near at hand. He appeared however to have rallied a good deal since the morning, and entered into a detal of his ailments to Dr. Allen, from which it appeared that he was suffering from dysentery; he has consented to take any medicines which Dr. Allen might send him, provided the liquids were mixed

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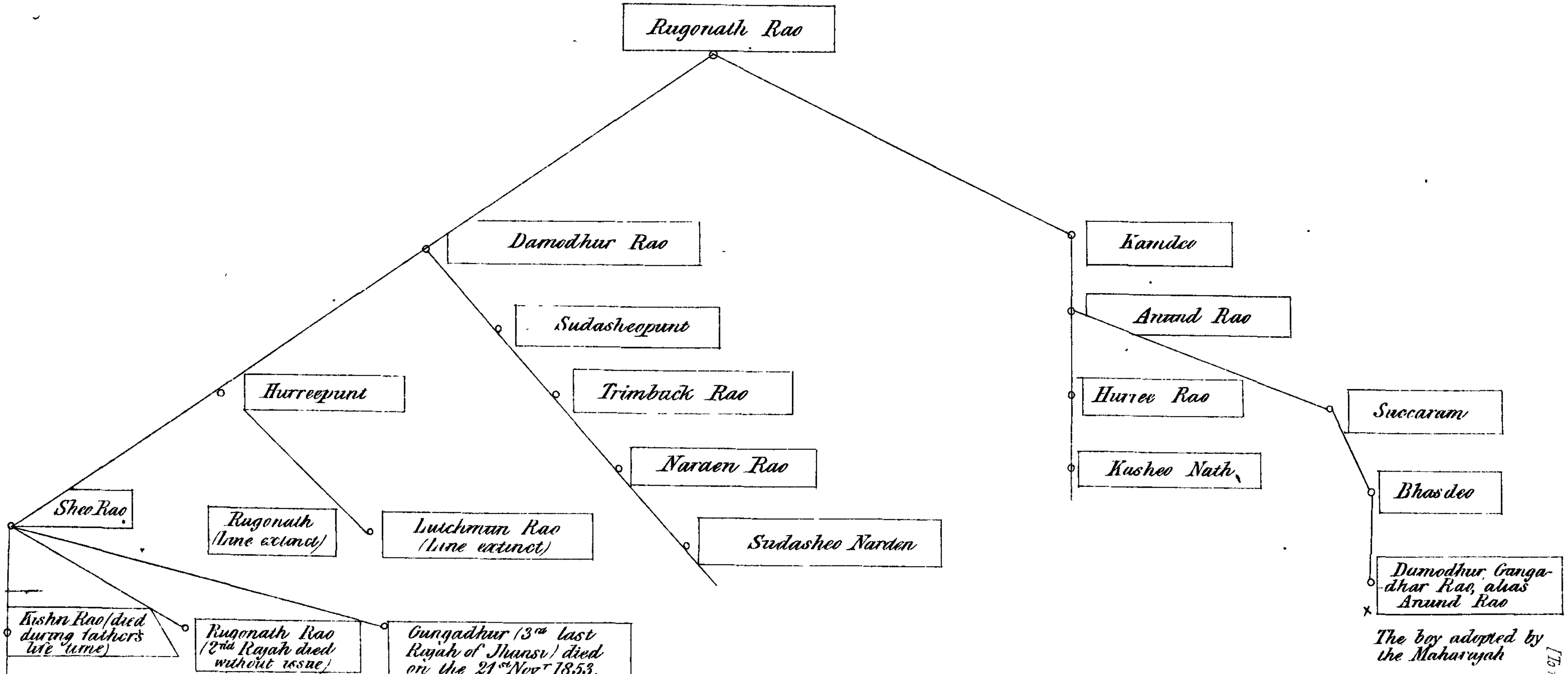
* This is a term used to denominate cousins in the third and fourth degrees, tracing their descent by the male line to a common ancestor.

[illegible] to the Queen

No 431. Ordered, by The House of Commons, to be Printed, 27 July 18

Genealogical Tree of the late Rajah of Jhansee Gungadhur Rao, and of the Boy Anund Rao he has adopted.


Rugonath Rao
Damodhur Rao
Kamdeo
Sudasheopunt
Anund Rao
Hurreepunt
Trimbuck Rao
Hurree Rao
Succaram
Naraen Rao
Kasheo Nath
Bhasdeo
Sheo Rao
Rugonath (Line extinct)
Luchman Rao (Line extinct)
Sudasheo Naraen
Dumodhur Gangadhar Rao, alias Anund Rao
Kishn Rao (died during father's life time)
Rugonath Rao (2nd Rajah died without issue)
Gungadhur (3rd last Rajah of Jhansi) died on the 21st Novr 1853.
x
The boy adopted by the Maharajah
Rao Ramchund (1st Rajah of Jhansi, died without issue)

(Signed) D. A. Malcolm,
Pol.l Agent for Bundelcund
and Rewah.

PAPER—EAST INDIA. (ANNEXATION OF JHANSI.)

[To face page 5.]

mixed up with Ganges water by his own Brahmin attendants. We retired home, and a native doctor was sent to remain during the night at the palace with the medicines likely to be required, but the Rajah in the meantime changed his mind and refused to take any of the medicines, and the native doctor was in consequence withdrawn.

I have, &c.
(signed) *R. R. W. Ellis*,
Political Assistant for Bundelkund.

Jhansi, 21 November 1853.

To Major *D. A. Malcolm*, Political Agent for Bundelkund, Camp.

Sir,

I REGRET to have to report, for the information of the Most Noble the Governor-general of India, that his Highness the Maharajah Gungadhur Rao expired to-day at 1 p. m.

I shall be guided by the instructions contained in your letter, dated 2d instant, requiring me to assume charge of the State pending the receipt of further orders from Government, and will report further as occasion may require.

I have, &c.
(signed) *R. R. W. Ellis*,
Political Assistant for Bundelkund.

Jhansi, 21 November 1853.

TRANSLATION of a Khareeta from *Maharaja Gungadhur Rao* of Jhansi, to the Address of Major *D. A. Malcolm*, Political Agent for Gwalior, Bundelkund, and Rewah; dated 20th November 1853.

After Compliments,

THE manner in which my ancestors were faithful to the British Government previously to the establishment of its authority (in Bundlecund?) has become known even in Europe, and it is well known to the several agents here that I also have always acted in obedience to the same authority.

I am now very ill, and it is a source of great grief to me that notwithstanding all my fidelity, and the favour conferred by such a powerful Government, the name of my fathers will end with me; I have therefore, with reference to the following 2d Article of the treaty concluded with the British Government, adopted Damoodhur Gungadhur Rao, commonly called Anund Rao, a boy five years old, my grandson through my grandfather (Nabeerah Juddee).*

The article of the treaty above referred to, is this:

"The British Government, with a view to confirm the fidelity and attachment of the Government of Jhansi, consents to acknowledge, and hereby constitute, Rao Ramchunder, his heirs and successors, as hereditary rulers of the territory enjoyed by the late Sheo Rao Bhow at the period of the establishment of the British Government in Bundlecund, and now in the possession of the Jhansi Government."

In compliance with my request Major Ellis and Major Martin, the officer commanding the troops, waited upon me, and I explained to them all that I have written in this paper, and I gave them a letter which I prepared to the above effect intimating my having nominated my grandson (Nabeerah i Khoord) in my place, and I feel assured that these gentlemen will forward it to you.

I still hope that by the mercy of God and the favour of your Government I may recover my health, and as my age is not great I may still have children, and should this be the case I will adopt such steps as may appear to be necessary. Should I not survive, I trust that, in consideration of the fidelity I have evinced towards Government, favour may be shown to this child, and that my widow during her lifetime may be considered the Regent of the State (Malikeh) and mother of this child, and that she may not be molested in any way.

(True translation)
(signed) *D. A. Malcolm*,
Political Agent,
Gwalior, Bundelkund, and Rewah.

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* This is a term used to denominate cousins in the third and fourth degrees, tracing their descent by the male line to a common ancestor.

No. 26 of 1853.

From Major *D. A. Malcolm*, Political Agent for Gwalior, Bundelcund, and Rewah, to *J. P. Grant*, Esq., Officiating Secretary to the Government of India, Foreign Department, Fort William.

Sir,

I BEG to submit, for the information of the Most Noble the Governor-general in Council, the accompanying copies of letters, with enclosures, received to my address from Major Ellis, Political Assistant in Bundlecund, reporting the steps adopted by him on the demise of the late Rajah of Jhansi, and offering an opinion in regard to the number of troops which he thinks would be required in the event of our assuming the permanent management of the country.

2. When the country was formerly under our charge there were I believe several zemindars at large, who gave us considerable trouble, and required to be strictly watched, but as they have either been placed in confinement, or brought under complete subjection, the necessity of permanently employing the same number of troops in the country appears no longer to exist.

3. Still, as it is, I believe, the intention of Government to retain only a wing of native infantry at Jhansi, and this small force will be unable to furnish detachments to garrison the fort of Jhansi and Kureira, both of which should be occupied for a short time if we assume the permanent charge of the country, I would suggest that in the event of no Company's troops being available for that purpose, I should be authorised to retain the wing of the 6th Regiment, Scindiah's Contingent, now at Jhansi, till further orders, in addition to the wing of the Regiment of Bengal N. I., now on its march from Mooltan to this place.

4. As the latter force will not probably reach Bundelcund for some weeks to come, I would suggest as a temporary measure, and pending their arrival, that Brigadier Parsons, commanding the Contingent, should be directed to detach to Jhansi four additional companies of infantry from Moovar, with which a garrison of two companies might be furnished for the fort of Jhansi, and two for that of Kureira.

5. Whatever may be the decision of Government in regard to the estate of Jhansi, I do not contemplate that any disturbance will be excited against us by any members of the late Rajah's Government; but as a measure of precaution against the zemindars of the districts, it will, I think, be as well for a few months, till our Government is established, that our force at Jhansi should not be less than a regiment of Native Infantry and one of Irregular Cavalry.

I have, &c.
(signed) *D. A. Malcolm*,
Political Agent for Gwalior, Bundelcund, and Rewah.

Agency Office, Camp Sahawul,
1 December 1853.

To Major *Malcolm*, Political Agent for Bundelcund and Rewah.

Sir,

IN continuation of my letter of yesterday's date, reporting the death of the Rajah of Jhansi, I have the honour to report that immediately on receipt of the above intelligence I proceeded to the palace, accompanied by Captain Martin, the officer commanding the station, and attended by an escort of Irregular Cavalry, and offered my condoleuce to the Lakshim Bai, the widow of the Rajah, on the occasion.

2. I then proceeded to the fort, where the greatest part of the public treasure is lodged, and where all the prisoners are kept, and in the presence of the Killadar and Jevala Nath, pundit, on the part of Jhansi, placed seals on the locks of the apartment, where Government treasure to the amount of *Rs.* 2,45,738. 15. in

in gold and silver in different currencies is said to be deposited, and left a guard, as per margin, from the 6th Regiment, Scindia's Contingent, inside the fort, in possession of the gates, with orders to co-operate with the Jhansi troops in the protection of the place.

1 Subadar.
1 Jemadar.
5 Havildars.
5 Naicks.
2 Drummers.
100 Sepoys.

3. For four days previous to the death of the Rajah, I had held several interviews with Lahori Mull, Nara Singh, Rai Appa, and Futtaychund, and had warned them of the necessity of their adopting effectual measures for preventing any outbreak on the part of the prisoners, or attempt to release them, consequent upon the death of the Rajah, and I am happy to be able to add, that the very best results attended these precautions, and that everything here continues in a state of profound tranquillity.

I have, &c.
(signed) *R. R. W. Ellis,*
Political Assistant for Bundelcund.

Political Assistant's Office, Jhansi,
22 November 1853.

To Major *D. A. Malcolm,* Political Agent for Bundelcund and Rewah, Camp.

Sir

WITH reference to your letters dated 27th ultimo and 2d instant, I have the honour to report that in pursuance of these instructions I have assumed charge of the Jhansi State in consequence of the death of the Rajah, and that affairs will be conducted as usual under the existing system of management pending the receipt of further orders.

I have, &c.
(signed) *R. R. W. Ellis,*
Political Assistant for Bundelcund.

Political Assistant's Office, Jhansi,
23 November 1853.

To Major *D. A. Malcolm,* Political Agent for Bundelcund and Rewah, Camp.

Sir,

I HAVE the honour to forward copies of the corrrespondence as per margin, regarding the present temporary occupation by our troops of the Fort of Jhansi in co-operation with those in the service of the late Rajah, and if the measure is likely to be considered permanently necessary, would beg leave to suggest that the wing of the 6th Regiment, Scindiah's Contingent, now stationed here, should be increased to the strength of a full regiment, and that military detachments should likewise be stationed in the fort of Kurrara, also at Mhow, Ranipore, Moyapore, and other places where they were stationed during the former period of Jhansi having come under our rule in 1838.

No. 24, dated 22d instant, from Captain Martin, commanding at Jhansi. Reply from Major Ellis, dated 23d instant.

I have, &c.
(signed) *R. R. W. Ellis,*
Political Assistant for Bundelcund.

Political Assistant's Office, Jhansi,
23 November 1853.

No. 24.

To Major *R. R. W. Ellis,* Political Assistant, Jhansi.

Sir,

I HAVE the honour to bring to your notice that from the number of men belonging to the Jhansi Raj employed in the fort guarding property of the State, the large guard necessary over 250 prisoners, and also from the size of the fort and the numerous buildings in it, I consider the company of the Gwalior

Contingent placed on duty there yesterday quite inadequate, in case of any disturbance, and that it can in reality only be considered as nominal, to show that the Raj is now under the protection of the British Government.

I have, &c.
(signed) *A. P. Martin*, Captain,
Commanding at Jhansi.

Jhansi, 22 November 1853.

To Captain *A. P. Martin*, Commanding at Jhansi.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 24, of yesterday's date, and in reply, to inform you that the occupation of the fort of Jhansi by our troops, in co-operation with those of the late Jhansi Rajah, is intended to give public confidence, by showing that the territory is under the protection of the British Government, and that any attempt to create disturbances will be punished accordingly.

2. Copy of your letter and my reply has been forwarded to Major Malcolm for such further instructions as he may consider necessary.

I have, &c.
(signed) *R. R. W. Ellis*,
Political Assistant for Bundelcund.

Political Assistant's Office, Jhansi,
23 November 1853.

(True copies.)
(signed) *R. R. W. Ellis*,
Political Assistant for Bundelcund, &c.

MINUTE by the Honourable the President of the Council of India.

Adoption of the Raja of Jhansi.

I DO not think this adoption can be supported, but it is a case that had better lie over for the consideration of the Most Noble the Governor-general. Meanwhile the political agent may be cautioned not to commit the Government in any manner whatever, and informed that its ultimate orders will be communicated to him hereafter.

(signed) *J. Dorin.*

9 December 1853.

THE question should lie over, I think, till the return of the Governor-general; public tranquillity being in the meantime preserved under the immediate authority and orders of the political agent, without his altering any of the native modes of administration, and neither confirming nor rejecting the adoption, as was done at Kerrowlee.

10 December 1853. (signed) *J. Low.*

12/12. (signed) *Fred. Jas. Halliday.*

MINUTE by the Honourable the President of the Council of India.

State of Jhansi.

I DO not think the Jhansi question can be settled without reference to the Governor-general, but meanwhile the political agent may be instructed to keep all quiet, and, if necessary, apply for such military aid as he may require to Brigadier Parsons.

(signed) *J. Dorin.*

12 December.

I concur entirely.

12 December. (signed) *J. Low.*

12/12. (signed) *Fred. Jas. Halliday.*

No. 5,305.—Foreign Department.

From *J. W. Dalrymple*, Esq., Officiating Under Secretary to the Government of India, to Major *D. A. Malcolm*, Political Agent, Bundlecund and Rewah.

Sir,

I HAVE the honour to acknowledge the receipt of your despatches, dated the 25th ultimo, No. 24, and the 1st instant, No. 26; and in reply, I am directed by the President in Council to acquaint you that the orders of Government respecting the disposal of the Jhansi estate will be communicated to you hereafter. Meanwhile, you will take due measures to preserve public tranquillity. No change should be made in any of the native modes of administration; and you will be careful not to commit the Government regarding the adoption, either by confirming or rejecting it.

2. Should additional military aid be required, his Honour in Council authorises you to apply for it to Brigadier Parsons.

I have, &c.
(signed) *J. W. Dalrymple*,
Officiating Under Secretary to the Government of India.

Fort William,
16 December 1853.

No. 28 of 1853.

From Major *D. A. Malcolm*, Political Agent for Bundlecund and Rewah, to *J. P. Grant*, Esq., Officiating Secretary to the Government of India, Foreign Department, Fort William.

Sir,

I BEG to submit, for the information of the Most Noble the Governor-general in Council, the copy of a letter, under date the 4th instant, which I have received from Major Ellis, giving cover to a khurreeta (with translation) from Lukshmee Baee, the widow of the late Maharaja of Jhansi, to his Lordship's address, soliciting the sanction of Government to Anand Rao, styled Damodhur Rao Gungadhur, the boy adopted by her husband before his death, being recognised as his successor in the rule of the Jhansi principality.

2. I also beg to transmit a genealogical tree of the Jhansi family, as prepared by Major Ellis, from information derived from the Jhansi durbar.

3. This document agrees entirely with the paper I forwarded to Government on the 25th ultimo, with the exception of making Anand Rao, the boy adopted by the late Raja, the representative of the elder branch of the family, and the sixth in descent from their mutual ancestor, Rughonath Rao, instead of the fifth, as stated in the document above referred to.

I have, &c.
(signed) *D. A. Malcolm*,
Political Agent for Bundlecund and Rewah.

Agency Office, Camp, Bhilsia,
15 December 1853.

No. 6.

From Major *R. R. W. Ellis*, Political Assistant for Bundlecund, to Major *D. A. Malcolm*, Political Agent for Bundlecund and Rewah, Camp.

Sir,

I HAVE the honour to forward a khurreeta, with English translation, from the Lukshmi Baee, the widow of the late Maharaja of Jhansi, to the address of the Most Noble the Governor-general of India, soliciting the sanction of Government to Anand Rao, styled Dumodhur Rao Gungadhur, the son of Basdeva,

Basdeva, a boy of five years of age, adopted by her husband before his death, being recognised as his successor in the rule of the Jhansi principality.

I have, &c.

Political Assistant's Office, Jhansi, (signed) *R. R. W. Ellis*,
4 November 1853. Political Assistant for Bundlecund.

(True copy.)
(signed) *D. A. Malcolm*, Political Agent.

TRANSLATION of Khareeta from Her Highness the Lukshmi Baee, the Widow of *Gungadhur Rao*, the late Maha Raja of Jhansi, to the Address of the Marquis of *Dalhousie*, the Most Noble the Governor-General of India.

After Compliments,

THE services rendered by Sheo Rao Bhao, the father of my late husband, to the British Government, before its authority in this part of the country was established, are recorded, with other State documents, and have been amply rewarded by the unceasing flow of benefits which his family have derived from the acknowledged favour and protection of such a mighty power.

The concluding article of the treaty with my late husband, signed by Colonel Sleeman in 1842, guarantees to the Jhansi Government the continued existence of all the benefits claimable by virtue of a former treaty made with Ramchand Rao in 1817, not specifically cancelled by the terms of the new agreement then made.

This treaty was declaredly made in consideration of the very respectable character borne by the late Subadar Sheo Rao Bhao, and his uniform and faithful attachment to the British Government, and in deference to his wish expressed before his death, that the Principality of Jhansi might be confirmed in perpetuity to his grandson, Ramchand Rao.

As the means of effecting this, and with the view to confirming the fidelity and attachment of the Government of Jhansi, the second article acknowledges and constitutes Rao Ramchand, his heirs and successors, hereditary rulers of the territory enjoyed by the late Sheo Rao Bhao; thereby meaning that any party whom he adopted as his son to perform the funeral rites over his body necessary to ensure beatitude in a future world would be acknowledged by the British Government as his successor, and one through whom the name and interests of the family might be preserved.

The Hindu Shastras inculcate the doctrine that the libations offered to the manes of a deceased parent are as efficacious when performed by an adopted as by a real son, and the custom of adoption is accordingly found prevalent in every part of Hindustan. My husband, therefore, upon the evening of the 19th November last, sent for Dewan Nara Sing, Rao Appa, Lalla Lahori Mull, and Lalla Tatti Chund, the ministers, and myself, and told us to consult with the Shastra, and select a duly qualified child from his own "Gote" (clan), to succeed him as ruler of Jhansi, as he found himself getting worse, and the medicines doing him no good.

Ramchund Baba was in consequence summoned, when, at his recommendation, out of several children of the Gote, it was agreed that Anand Rao, a boy of five years of age, the son of Basdiva, was the best qualified for the purpose. My husband then ordered the shastri to perform the rites of adoption. The next morning Benaik Rao, pundit, performed the sangkalpa, when Basdiva, the father of Anand Rao, having poured water on my husband's hands with the usual ceremonies, the boy was named Damodhur Rao Gungadhur, when the ceremony was completed.

The ministers, by order of the Raja, wrote to Major Ellis, who was encamped at Sayer, six coss from Jhansi, and to Major Martin, the officer commanding the station, requesting their attendance at the palace, with the view of bearing witness to what had been done. These two gentlemen came to the palace at 10 a. m. the next morning, the 20th November, when my husband delivered a letter to Major Ellis, requesting him to obtain the sanction of Government to the adoption, which was read over in their presence, when Major Ellis promised that he would make known his wishes to your Lordship.

The next day, Monday, the 21st November, my husband expired; the different funeral rites required to be performed by a son have all been discharged by Anand Rao, styled Damodhur Rao Gungadhur.

My late husband before his death made the boy over to the protection and favour of the British Government; and as the adoption made by Parakshata, the late Raja of Datia, that of Bala Rao, the last chief of Jalown, and that of Tej Sing, the last Raja of Urcha, have all been sanctioned by Government, I hope that the present adoption will also be sanctioned by your Lordship, the more strongly as the term (" Dawana") perpetuity, made use of in the treaty with the Jhansi State, is not mentioned in theirs.

(True translation.)
(signed) *R. R. W. Ellis*,
Political Assistant for Bundlecund.

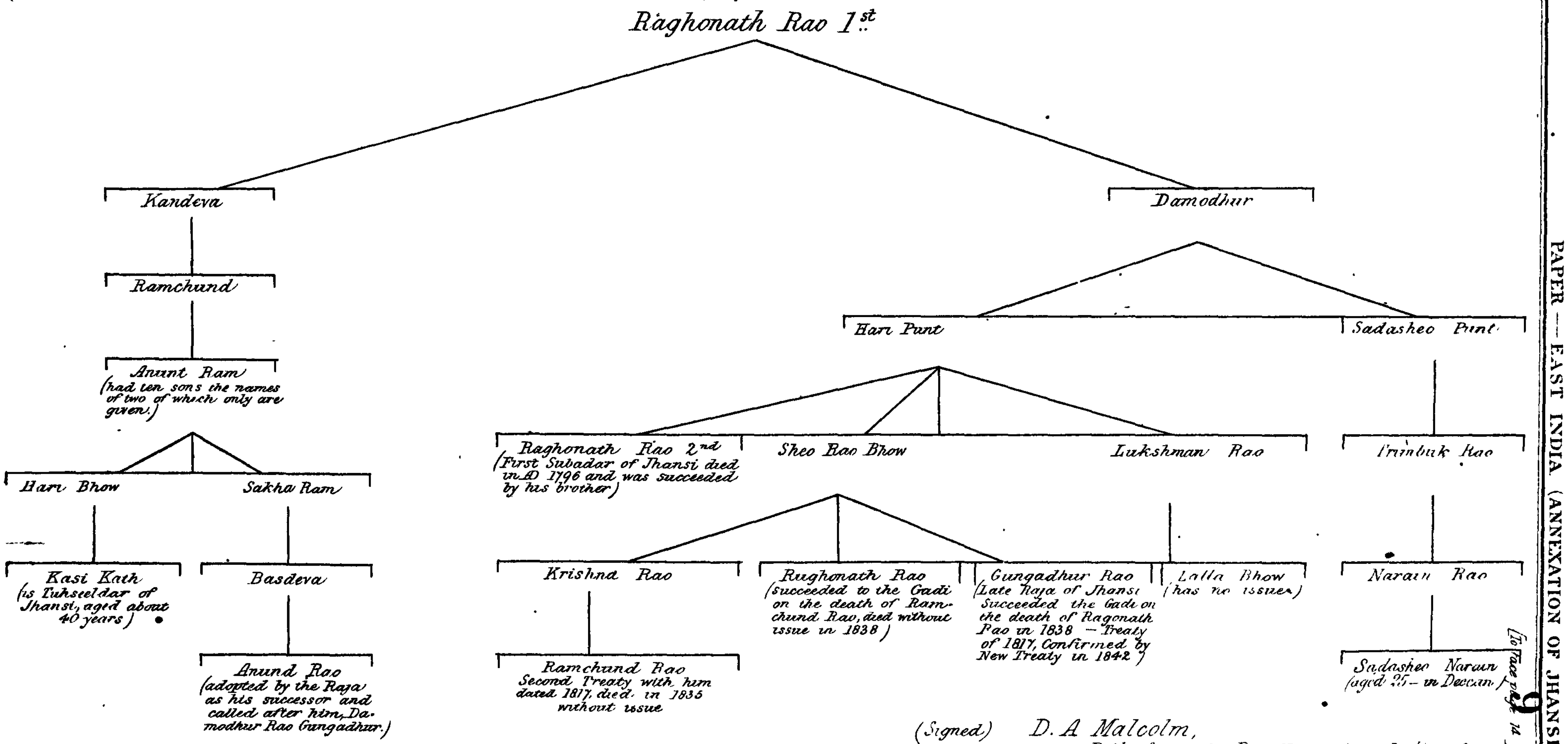
Note.—Correct with regard to Urcha and Jalown, but not so as to Dattia; *vide* page 211 De Cruz's Political Relations.

(signed) *R. R. W. Ellis.*

Day & Son Lithrs to the Queen

No. 431. Ordered, by The House of Commons, to be Printed, 27th July 1855.

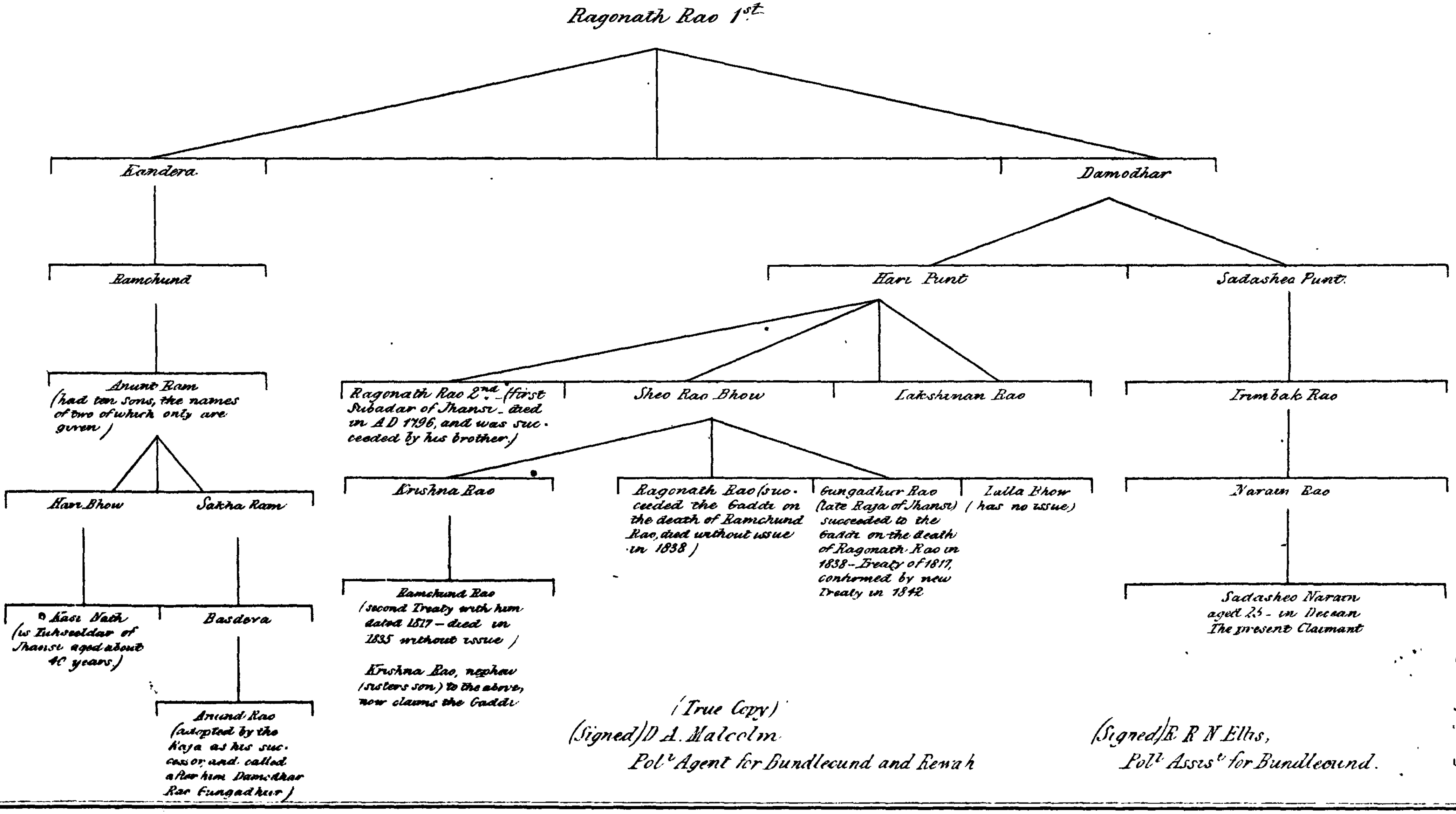
Genealogical List of Anund Rao, styled Damodhur Rao, Gungadhur Rao, son of Basdevoo, adopted by Gungadhur Rao, late Maharaja of Jhansi.


Raghonath Rao 1st
Kandeva
Damodhur
Ramchund
Hari Punt
Sadasheo Punt
Anunt Ram (had ten sons the names of two of which only are given.)
Raghonath Rao 2nd (First Subadar of Jhansi died in AD 1796 and was succeeded by his brother)
Sheo Rao Bhow
Lukshman Rao
Trimbuk Rao
Hari Bhow
Sakha Ram
Kasi Kath (is Tuhseeldar of Jhansi, aged about 40 years)
Basdeva
Anund Rao (adopted by the Raja as his successor and called after him, Damodhur Rao Gungadhur.)
Krishna Rao
Ramchund Rao Second Treaty with him dated 1817, died in 1835 without issue
Rughonath Rao (succeeded to the Gadi on the death of Ramchund Rao, died without issue in 1838)
Gungadhur Rao (Late Raja of Jhansi Succeeded the Gadi on the death of Ragonath Rao in 1838 — Treaty of 1817, Confirmed by New Treaty in 1842)
Lalla Bhow (has no issues)
Narain Rao
Sadasheo Narain (aged 25 — in Deccan)

(Signed) D. A Malcolm,
Poll Agent for Bundlecund and Rewah

[To face page 15.]

Genealogical list of Anund Rao styled Damodhar Rao, Gungadhur Rao, son of Basdeva, adopted by Gungadhur Rao, late Maharaja of Jhansi.


Ragonath Rao 1st
Kandera
Damodhar
Ramchund
Hari Punt
Sadashea Punt
Anunt Ram (had ten Sons, the names of two of which only are given)
Ragonath Rao 2nd (first Subadar of Jhansi_ died in AD 1796, and was succeeded by his brother)
Sheo Rao Bhow
Lakshman Rao
Trimbak Rao
Hari Bhow
Sakha Ram
Krishna Rao
Ragonath Rao (succeeded the Gaddi on the death of Ramchund Rao, died without issue in 1838)
Gungadhur Rao (late Raja of Jhansi) succeeded to the Gaddi on the death of Ragonath Rao in 1838 – Treaty of 1817, confirmed by new Treaty in 1842
Lalla Bhow (has no issue)
Narain Rao
Kasi Nath (is Tuhseeldar of Jhansi aged about 40 years)
Basdeva
Ramchund Rao (second Treaty with him dated 1817 – died in 1835 without issue)
Krishna Rao, nephew (sisters son) to the above, now claims the Gaddi
Sadasheo Narain aged 25 – in Deccan The present Claimant
Anund Rao (adopted by the Raja as his successor and called after him Damodhar Rao Gungadhur)

(True Copy)

(Signed) D. A. Malcolm
Pol^l Agent for Bundlecund and Rewah

(Signed) E. R. N. Ellis,
Pol^l Assis^t for Bundlecund.

No. 34 of 1853.

From Major *D. A. Malcolm*, Political Agent, Gwalior, Bundlecund, and Rewah, to the Secretary to the Government of India, Foreign Department, Fort William.

Sir,

I BEG to acknowledge the receipt of your despatch of the 16th instant, a copy of which has been forwarded to Major Ellis, for his information and guidance.

2. Since the death of the Raja of Jhansi two persons have advanced claims of right of succession to the Gadi, namely, Kishen Rao, and Sadasheo Narain.

The first is a nephew (sister's son) of Ramchunder Rao, the Raja of Jhansi, who died in the year 1835. The claims of this individual were then, I believe, rejected as totally inadmissible, and his present appeal appears to be deserving of no consideration.

The second individual is a person called Sadasheo Narain, now in the Deccan. It will be seen, from the enclosed letter from Major Ellis, that he considers this man's claims also inadmissible; but on an examination of the genealogical tree herewith enclosed, it will be seen, that if the claims of heirs male of the ancestors of the late Raja are admitted, this individual is actually the nearest relative left to claim the Gaddi on these grounds.

I have, &c.

(signed) *D. A. Malcolm*,
Political Agent,
Gwalior, Bundlecund, and Rewah.

Political Agency Office, Camp Kotra,
31 December 1853.

To Major *D. A. Malcolm*, Political Agent for Bundlecund and Rewah,
Camp.

Sir,

I HAVE the honour to forward, for such orders as you may deem necessary, a khureeta to your address from Sadasheo Narain, the son of Narain Rao, of Parola, in the Dekhan, regarding his pretensions to the Jhansi succession, and which appear to me to be utterly void of all just foundation.

I have, &c.

(signed) *R. R. W. Ellis*,
Political Assistant for Bundlecund.

Political Assistant's Office, Jhansi,
14 December 1853.

(True copy.)

(signed) *D. A. Malcolm*,
Political Agent,
Gwalior, Bundlecund, and Rewah.

No. 4 of 1854.

From Major *D. A. Malcolm*, Political Agent, Gwalior, Bundlecund, and Rewah, to the Secretary to the Government of India, Foreign Department, Fort William.

Sir,

I FIND I have neglected to send, along with my letter of the 31st ultimo, No. 35, from Camp Kotra, a copy of Major Ellis's letter to my address of the 24th idem. I now beg to transmit it, and to request you will have the goodness to place it on the file of the enclosures sent with my letter above referred to.

I have, &c.
(signed) *D. A. Malcolm*,
Political Agent,
Gwalior, Bundlecund, and Rewah.

Political Agency Office, Camp Antree,
13 January 1854.

No. 36.

To Major *D. A. Malcolm*, Political Agent for Bundlecund and Rewah, Camp.

Sir,

WITH reference to your letter, No. 71, dated 20th instant, I beg leave to observe that we have a treaty of alliance and friendship with the Jhansi as well as the Urcha State, and that I cannot discover any difference in the terms of the two which would justify our withholding the privilege of adoption from one State and allowing it to the other.

2. The right of the Native States to make adoptions is most clearly acknowledged in paragraphs 16 and 17 of despatch No. 9, dated 27th March 1839, from the Honourable the Court of Directors; and it appears to me that it would be opposed to the spirit of enlightened liberality which dictated those orders, if the privilege was to be now refused to families created by ourselves as a reward for the services rendered to the British Government, on the grounds that they were not of so ancient an origin as others.

I have, &c.
(signed) *R. R. W. Ellis*,
Political Assistant for Bundlekund.

Political Assistant's Office, Jhansi,
24 December 1853.

(True copy.)
(signed) *D. A. Malcolm*,
Political Agent,
Gwalior, Bundlecund, and Rewah.

NOTE.

Jhansi adoption.

MAHARAJAH GUNGADHUR ROW of Jhansi died without issue on the 21st of November last. A day before his death he very unexpectedly adopted a boy of five years of age, named Damooda Gunga, a distant cousin, and the recognition of this adoption is solicited by the widow.

Major Malcolm reports that this adoption by the late chief of Jhansi, on his deathbed, has taken every one at his court by surprise, and that officer does not appear to recognise the right of the Rajah to nominate an heir to his principality by adoption.

Besides the adopted son, two other claimants to the succession have since come forward.

The claim of one of them, Krishna Rao, appears to Major Malcolm to be deserving of no consideration. He is stated to be the son of a sister of Raja Ramchand Rao, who died in 1835; and Major Malcolm observes, that his claim was then put forward, and rejected.

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The other claimant, Sudasheo Narain, belongs to a branch of the family, none of the members of which have ever shared in the succession; but if the claims of heirs-male of the ancestors of the late Raja are admitted, the political agent states that this individual is actually the nearest relative left to claim the guddee on these grounds.

The following history of our relations with Jhansi, and of the origin of this chiefship, will show that in this State the grant of the British Government goes no further back than Ramchand Row, the third Subahdar, and that the extreme point to which succession has been extended, is to the descendants of the two first Subahdars; also, that adoption in this family has been very decidedly not recognised.

In 1804 a treaty of friendship and amity was concluded with Sheo Rao Bhow, Subadar of Jhansi. As afterwards explained by Government, this "treaty with the Bhow, as distinctly implied in the terms of the preamble, was, in fact, concluded by the British Government on the part of the Peishwa, under the sanction of whose nominal authority indeed our operations and measures in Bundlecund were undertaken and conducted." The Subahdar in 1812 wished this treaty to be renewed in favour of his grandson, Rao Ramchand; but the British Government declined to do so, inasmuch as it would encroach on the rights of the Peishwa, whose subject the Subadar was. The Governor-general in Council pronounced that the British Government were not entitled to declare the subahdaree of Jhansi "to be hereditary, without the consent of the Peishwah." The former treaty was declared to be strictly personal.

Vide Cons. 3d March 1804, No. 238/240.

On this occasion the Governor-general in Council reviewed the past history of the Bhow's relations with the Peishwa, and distinctly explained the position of that Subahdar. He showed that the "tenure of the Bhow has been more that of an aumil or governor of the Subadaree of Jhansi, than of a chief possessing a proprietary right in the soil." The Governor-general in Council remarked, that "several of the papers furnished by the Bhow designate the person vested with the charge of the district of Jhansi by the title of collector; and the accounts which he has transmitted of receipts and disbursements correspond with that designation."

Orders of Government of 17th July 1812.

Sheo Rao Bhow died in 1814, and was succeeded by his grandson, Rao Ram Chand, who applied to the British Government for a khelat of investiture, which was refused, in the following terms: "The Governor-general is of opinion that, under the present state of suspense as to the confirmation of Rao Ram Chunder by the Peishwa, the investing of him with a khelat might imply the recognition of his title by the British Government, and might have the effect of giving umbrage to the Peishwa, by appearing to bar his pretensions to the superiority of the "Soubah of Jhansi."

Orders of Government, 24th March 1815.

In 1817 the Peishwa having ceded to the British Government all his rights, feudal, territorial, and pecuniary, in the province of Bundlecund, the British Government, adverting to the fidelity and attachment of the Subadhars of Jhansi, "resolved to declare the territory of Jhansi to be hereditary in the family of the late Sheo Rao Bhow, to perpetuate with his heirs the treaty concluded with the late Bhow, and to relinquish all claim to tribute, on condition of the chief furnishing at all times, when required by the British Government, a small body of good horse." The Governor-general in Council directed that the above stipulations should "be reduced to the form of a supplemental article, professedly founded on the transfer to the British Government of the Peshwa's supremacy over Jhansi, and reciting the motives for the concessions in favour of the chief of that State."

Letter dated 29th July 1817.

Government orders of 29th July 1817.

The treaty concluded with Rao Ram Chund, of 17 November 1817, is of the above tenor. The 2d Article "constitutes Rao Ram Chund, his heirs and successors, hereditary rulers of the territory."

In 1832 the title of Rajah was conferred by the Governor-general on the Subadar of Jhansi.

In 1835 Rao Ram Chund died, without issue. Four claimants appeared: Rao Rugnath Rao (second son of Sheo Rao Bhow, and therefore paternal uncle of the late Raja), was considered the rightful successor to the estate by the agent, Mr. Begbie. His succession was accordingly recognised by the Supreme Government, "it being presumed that he was able to establish his authority, and that his succession would be acknowledged by disinterested parties at Jhansi."

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On this occasion the lawful heir by blood, descended of the body of Sheo Ram Bhow, was recognised as successor to the Raj, to the disallowance of a boy alleged to have been adopted, or nominated as successor by the late Raja the day before his death, who, if adopted, would have been unquestionably the heir to any property of his adoptive father, to the exclusion of the uncle; and this was done without inquiry into the fact of adoption or nomination (which was doubtful), as though it was an immaterial circumstance. Rugnath Rao died in April 1838.*

The following persons advanced their claims to succeed to the Raj; viz.

1st. Gungadhur Rao, who grounded his claims upon his natural right, as the only surviving son of Sheo Rao Bhow.

2d. Krishna Rao, the alleged adopted son of the late Rajah's predecessor, Rao Ram Chund.

3d. Allee Bahadoor, an illegitimate son of Rugnath Rao.

4th. The widow of the late Rajah.

A commission, composed of Lieutenant-colonel Speirs, Resident at Gwalior, Mr. Simon Fraser, and Captain D. Ross, were appointed by the Governor-general to examine into the rights of these several claimants to the chiefship of that State.

The attention of the commission was particularly drawn to the fact that, though the treaty strictly confirmed the succession of the Raj of Jhansi to the heirs and successors (or descendants) of Rao Ram Chund, the Government seemed to have waived this strict limitation by the admission of Rugnath Rao in 1835. Lord Auckland was therefore disposed to adopt the more liberal construction, which would admit to a right of inheritance all the descendants of Sheo Rao Bhow.

The commissioners declared an opinion in favour of Gungadhur Rao's right to succeed. This was a confirmation of the principle acted upon in 1835, Gungadhur Rao being the younger brother of the late Rajah.

This history will show that Jhansi unquestionably falls within the class of those who hold by gift from a sovereign or paramount power, and whose grants therefore, "the power which granted, or the power standing in its place, would have a right to resume on failure of heirs male of the body," according to Sir C. Metcalfe's Minute on the question of adoption in respect of Bundlecund chiefs, dated the 28th of October 1837.

There is now no male heir of the body of any Rajah or Soobadar of Jhansi.

Rughoonath Row was a leper, and was an incapable ruler. The late Raja Gungadhur Rao was kept out of real power till 1843, owing to his incompetency and the bad state of the country. The revenues of Jhansi once yielded 18 lacs, but had fallen in 1832 to 12 lacs; and in 1838, owing to gross mismanagement, to three lacs. Under our management it rose next year to seven lacs and a half. Territory to the value of 2,27,458 rupees was ceded in 1843, in lieu of the maintenance of half the Bundlekund legion. The settlement of 1844–45, for the remainder of the territory, was at a jumma of 5,91,970 rupees.

See De Cruz's Book, p. 27.

Amongst the papers now laid before Government is a letter from the widow of the late Raja of Jhansi, asking for the acknowledgment of her late husband's adopted son, and his succession to the Raj. She cites the cases of adoption allowed in Oorcha, Dutteea, and Jaloun as examples in favour of her claim.

The cases of the States of Oorcha and Dutteea are not in point, because they were neither granted by the British Government nor the Peshwah. They were independent States before the Mahrattas entered Bundlecund, and on that ground the Government recognised the adoption of sons by Rajas of those States.

The case of Jaloun is not quite the same, either with the cases of Dutteoa and Oorcha or with that of Jhansi. It belonged to a Mahratta family who emigrated from the Deccan. In 1806 we made a treaty with the chief of Jaloun, as though he were independent, without reference to the Peshwah, guaranteeing to him his territory as an hereditary possession; and taking in exchange territory from him, also without reference to the Peshwah. But in 1817

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* Agra Narrative of Proceedings, for the fourth quarter of 1838, pp. 10 to 32; and first quarter of 1839, p. 18.

1817 a treaty was made with the same chief, in which he was certainly described as having been subordinate to the Peshwah, whose right of supremacy was stated, and in that second treaty the right of the chief was assured in the following words: "The British Government moreover acknowledges, and hereby constitutes, Nana Govind Row, his heirs and successors, the hereditary rulers of the territory at present in the Nana's actual possession."

In 1832 the ruler died without issue; and his widow adopted a son, whom we recognised, because it was agreeable to the wishes of the people.

The State, however, has since, in 1840, on the death of the adopted son, lapsed to Government. In 1832 its revenue was stated at 15 lacs, but under the adopted minor successor the rule was extremely disastrous. The Governor-general, Lord Auckland, thus described it: "Its Rajah, at 11 years of age, was under the tutelage of his sister and her minister. In the course of nine or ten years the lands had been most profusely alienated; debts to the amount of more than 30 lacs had been contracted; extensive districts had been mortgaged as security for them; there was neither order nor security in the territory; every village was exposed to the attacks of plunderers; cultivation was deserted, and a country which had been fruitful and prosperous, was day by day becoming desolate." To rescue the territory from ruin, we assumed the management in 1838. In 1839 the revenue amounted to seven lacs and a half; in 1843-44 it had risen to upwards of 12 lacs.

As the paramount power has it, in any case, in its discretion to authorise an adoption if it conceives that measure best for the public good, the fact of authorisation in the case of any particular State is no proof that authorisation was accorded as of right; far less can it be accepted as a proof that authorisation can be claimed as a right in the case of any other State.

As to the question of whether the grant to an adopted son of succession to the rule of a Bundela State be or be not a measure likely to be the best for the public good, so far at least as the people of the State itself are concerned, the case of Jaloun, relied on by the widow, may perhaps appear to his Lordship in Council very much to the point.

(signed) *J. P. Grant,*
Officiating Secretary to the Government of India.

MINUTE by the Most Noble the Governor-General of India.

Jhansi.

1. MAHARAJAH GUNGADHUR RAO, the Rajah of Jhansi, died in the end of the month of November 1853. He left no child; but on the day before he died he adopted a son, and his widow, the Luchsmee Baee, now solicits the Government of India to recognise the adopted son as the successor to the Raj of Jhansi.

2. The note prepared by the Secretary has given a full and clear exposition of the relations between the British Government and the State of Jhansi. Having carefully considered these statements, and having examined the correspondence that has passed since we first came into communication with Jhansi, I have the honour to submit the opinion I have formed regarding the proper disposal of the territory lately ruled by the Raja of Jhansi.

3. It is my opinion that this territory, which has lapsed to the British Government, should be retained by it, in accordance equally with right and with sound policy.

4. The principles which must govern the disposal of Jhansi have very recently been fully considered and discussed in connexion with the case of Nagpore and Tehree. Guided by them, I have no hesitation in concluding that the right of the British Government to retain Jhansi, as a lapse or escheat, is clear, both under the general principle laid down by the Honourable Court in 1849, regarding dependent States, and on the particular principle laid down by the Lieutenant-governor, Sir Charles Metcalfe, and accepted by the Supreme Government, in 1837, regarding the petty States in Bundlecund.

5. For the sake of perspicuity, I will quote again the terms in which those principles have been communicated.

The Honourable Court of Directors declared, that "by the general law and custom of India, a dependent principality like that of Sattara cannot pass to an adopted heir without the consent of the paramount power; that we are under no pledge, direct or constructive, to give such consent; and that the general interests committed to our charge are best consulted by withholding it."[*]

Minute, 28th Oct. 1837. Printed Papers, p. 141.

In reference to the chiefs of Bundlecund, Sir Charles Metcalfe wrote thus:—"The question is, whether chiefs and princes, not having heirs of the body, have a right to adopt a successor to the exclusion of collateral heirs, or of the supposed reversionary rights of the paramount power, and whether the British Government is bound to acknowledge the adoption."

"In the disposal of this question there is a wide difference, to which Mr. S. Fraser has not adverted, between sovereign princes and jageerdars, between those in possession of hereditary sovereignties in their own right and those who hold grants of land or public revenue by gift from a sovereign or paramount power." * * * * *

"In the case, therefore, of Hindoo sovereign princes, I should say, that in failure of heirs male of the body, they have a right to adopt to the exclusion of collateral heirs; and that the British Government is bound to acknowledge the adoption, provided that it be regular, and not in violation of Hindoo law." * * * * *

"With respect to chiefs who merely hold lands or enjoy public revenues under grants such as are issued by a sovereign to a subject, the power which made the grant, or that which by conquest or otherwise has succeeded to its rights, is certainly entitled to limit succession according to the limitations of the grant, which in general confirms it to heirs male of the body, and consequently precludes adoption. In such cases, therefore, the power which granted, or the power standing in its place, would have a right to resume on failure of heirs male of the body."

6. Jhansi is a "dependent principality," in like manner as, and even more distinctly than Sattara; it was held by a chief under very recent grant from the British Government as sovereign; it is, therefore, liable to lapse to the Government that gave it on the failure of heirs male.

7. The dependent nature of the chiefship of Jhansi does not admit of dispute. It never was a sovereign State, even in the sense in which Tehree was so regarded; it was, in fact, a portion of Tehree, separated from it by the Peishwa, the superior of Tehree, and placed under the superintendence of a Soubadar.†

Cons. 3d March 1804.

Government of India, Cons. 17th July 1812, para. 2.

Para. 4.

In 1804, a treaty, which recited that the "Soobedar of Jhansi is a tributary of his Highness," was formed by the British Government with Sheo Rao Bhow. Subsequently the Government, in reference to the treaty, observed, that "Sheo Rao Bhow," in the wajib-ool-urz which he transmitted to the late Commander-in-chief, Lord Lake, in 1803, and which formed the basis of the existing treaty, distinctly acknowledges that he held his country under the authority of the Peishwa; "on whose part the treaty with the Bhow, as is distinctly implied in the terms of the preamble, was, in fact, concluded by the British Government."

Cons. 17th July 1812, para. 4.

Accordingly, in reply to the application made by Sheo Rao Bhow to have the treaty confirmed to his grandson as his successor, the Government of India stated that it was "not" . . . . . "entitled to declare it (the State of Jhansi) to be hereditary without the consent of the Peishwa."

In the course of this correspondence the real position of the Soobedar of Jhansi was clearly ascertained and defined.

Letter, 25th June 1812, para. 3.

The agent to the Governor-general in Bundlecund stated thus: "From the documents produced, it appears that the tenure of the Bhow has been more that of an aumil, or governor of the Soubedaree of Jhansi, than that of a chief endowed with proprietary right to the soil; and that the sole claim of this chief to retain his possession, or tenure, whatever it may be termed, rests upon his demand on the Poonah Government."

The Governor-general in Council observing that this statement is consistent with

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[*] Court of Directors to Government of India, No. 4, 24th January 1849, para. 8.

[*] Political Relations, De Cruz, p. 27; also Consultation, 17th July 1812.

with "what is known of the history of Bundlecund," further illustrates the definition given by the agent of the position of the Subadar of Jhansi in these words: "Several of the papers furnished by the Bhow designate the person vested with the charge of the district of Jhansi by the title of collector; and the accounts which he has transmitted of receipts and disbursements correspond with that designation."

Cons. 17th July 1812, para. 3.

Throughout the whole of this record the Soobedaree of Jhansi is viewed as a dependent chiefship, entirely under the authority of the Peishwa, with whom rested the option of "continuing the succession to the Soobedaree of Jhansi in the family of the Bhow."

Cons. 17th July 1812, para. 6.

The British Government, acting consistently on this principle, refused to acknowledge the succession of Rao Ram Chund, in 1815, by investing him with a khellat, lest "it might imply the recognition of his title by the British Government, and might have the effect of giving umbrage to the Peeshwa, by appearing to bar his pretensions to the superiority of the Soobah of Jhansi."

Cons. 24th March 1815, para. 2.

In 1817, "the whole of the rights of his Highness the Peeshwa over the principality of Jhansi" were transferred by treaty to the British Government. That Government, however, did not recognise the Soobedar Ram Chund as being in his own right the hereditary chief of Jhansi; but in consideration of the attachment of the late Sheo Rao Bhow to the British Government, and in deference to his wish, it "consented, on certain conditions, to constitute Rao Ram Chund the hereditary chief of the lands actually held by the late Sheo Rao Bhow at the commencement of the British Government in Bundlecund, and now possessed by the Government of Jhansi." Accordingly the second article of the treaty of 1817 "constitutes Rao Ram Chund, his heirs and successors, hereditary rulers of the territory enjoyed by the late Sheo Rao Bhow." . . . . . .

Treaty, 17th Nov. 1817.

The chief thus made hereditary retained, however, his inferior position, and was not named a Rajah until 1832.

In 1835, Rao Ram Chund died. Although he had adopted a boy as his successor the day before his death, the adoption was not recognised; and his uncle, Raghonath Rao, was declared to be Rajah. In 1838, Raghonath Rao having died, the succession was granted to his brother, Gungadhur Rao, the Rajah just deceased.

8. Gungadhur Rao has left no heir of his body. There is no male heir of Rao Ram Chund, on whom the hereditary chiefship was conferred. There is no male heir whatever of any Rajah or Soobedar of Jhansi, who has ruled since the first relations of the British Government with that State were formed. There is, therefore, no male heir whatever existing to the hereditary chiefship of Jhansi.

See Genealogical Tree, in letter from Agent, 31st Dec. 1853.

9. The boy whom the late Rajah adopted on the day before his death, as will be seen from the genealogical table, is but a very distant relation of the late Raja. The adoption of a boy by any man when he is almost in the last agonies is liable to suspicion; it is, in the present case, more than usually so, for it was well known beforehand that the Rajah had never contemplated making an adoption. The Political Agent, when reporting the death of the Rajah and the adoption made by him, observed, "The sudden resolution of the chief of Jhansi to adopt a successor on his deathbed has, I believe, taken every one at his court by surprise. It was understood that he would probably make an attempt to induce us to allow him to leave his estate in the hands of his widow during her lifetime; but, from the circumstance of there being no heir male existing in the line of Sheo Rao, the Subadar of Jhansi with whom our first treaty was concluded, or no near relation of any description, the question of adoption was, I believe, considered one which was not ever likely to be brought forward."

25th Nov. 1853, para. 4.

10. The Ranee, in a khurreeta which she has addressed to the Governor-general in Council, solicits a recognition of the adoption, on the ground that adoption has been recognised in Tehree, in Duttia, and in Jaloun, States of Bundlecund.

Tehree and Duttia are independent States, the succession to which forms no precedent for the course of succession in dependent States, such as Jhansi.

In Jaloun, a dependent State, an adoption was allowed; but it is to be observed, that a concession by the British Government of the privilege to adopt on on any particular occasion, from motives of friendship or of policy, by no means involves the admission of a right to adopt, on the part of the rulers of that or of any other State. It certainly was not so regarded in the case of Jaloun itself; for Jaloun has, since the adoption in question, been treated as a lapse by the British Government.

11. Still less can it be conceded, as the Ranee contends, 'that the present adoption should be recognised, because, in the second article of the treaty of 1817, constituting Rao Ram Chund, his heirs and successors, hereditary chiefs of Jhansi, the British Government meant "thereby . . . . that any party who he adopted as his son . . . . would be acknowledged by the British Government as his successor."

Letter from Agent, 15th Dec. 1853.

There is no need of, and no room for argument on this head. The historical facts on record negative the Ranee's assertion conclusively; for Rao Ram Chund did adopt a boy, but the British Government did not acknowledge the boy as successor, and it nominated another person to be the Rajah.

12. It has thus been established in the preceding paragraphs, that the territory of Jhansi is a dependent State; that the Raja is one of those "chiefs," in Bundlecund, "who merely hold lands or enjoy public revenue under grants, such as are issued by a sovereign to a subject;" with respect to which, "the power which made the grant, or that which by conquest or otherwise has succeeded to its rights, is certainly entitled to limit succession according to the limitations of the grant, which in general confines it to heirs male of the body, and consequently precludes adoption;" that there is no heir of the body of the late Raja; that there is no heir whatever of any Rajah, or of any Soobedar of Jhansi, with whom the British Government has at any time had relations; that the late Raja was never expected by his own people to adopt; and lastly, that a previous adoption by the Rajah whom the British Government constituted hereditary chief of Jhansi, was not acknowledged by the British Government.

Sir C. Metcalfe, 28th Oct. 1837, para. 7.

Wherefore it follows, that the right of the British Government to refuse to acknowledge the present adoption by the late Rajah Gungadhur Rao is placed beyond question, equally by the existence of precedent, by the general principles regarding adoption laid down by the Honourable Court of Directors, and by the particular rules laid down for successions in Bundlecund by Sir C. Metcalfe, who has himself been quoted as an authority generally favourable to the recognition of adoptions made by Hindoo rulers in certain specified cases.

13. The sound policy of regarding Jhansi as a State lapsed by failure of heirs male, is not less clear than our right to do so.

The British Government will not derive any material advantage from the possession of this territory, for it is of no great extent, and the revenue is inconsiderable; but as it lies in the midst of other British districts, the possession of it as our own will tend to the improvement of the general internal administration of our possessions in Bundlecund. That its incorporation with the British territories will be greatly for the benefit of the people of Jhansi, a very brief reference to the results of experience will suffice to show.

14. Since Rao Ram Chund, who received the grant of hereditary succession in Jhansi, there have been two rulers recognised as successors. The first, Raghonauth Rao, was a leper, and during his short rule of three years, from 1835 to 1838, he proved himself altogether incapable of governing. The revenue of Jhansi, which was once 18 lacs, and which had fallen even in the time of Rao Ram Chund, did not exceed three lacs on the death of Rughoonath Rao.

The British Government permitted Gungadhur Rao to succeed him, but so incapable was he also of governing, that the management of affairs was assumed by us, and was not made over to the Raja for many years afterwards.

15. Our experience of the results of recognising succession by adoption is not more favourable in the case of Jaloun, the precedent to which the Ranee now solicits this Government to conform.

In 1832, when the adoption was permitted in that State, the revenues amounted to 15 lakhs of rupees. Eight years afterwards the revenue had fallen to less than one-half, and the Governor-general thus described the condition to which the State had been reduced, in the Minute quoted by the Secretary :—

"Its

"Its Rajah, at 11 years of age, was under the tutelage of his sister and her minister. In the course of nine or ten years the lands had been most profusely alienated; debts to the amount of more than 30 lacs had been contracted; extensive districts had been mortgaged as security for them; there was neither order nor security in the territory; every village was exposed to the attacks of plunderers; cultivation was deserted; and a country which had been fruitful and prosperous was from day to day becoming desolate." 24th Feb. 1840.

16. Such were the results of the policy of permitting adoptions and irregular successions in Jaloun and Jhansi.

Warned by these results, I hold that sound policy combines with duty in urging that the British Government in the present case of Jhânsi should act upon its right, should refuse to recognise the adoption by Gungadhur Rao, and should take possession of Jhansi as an escheat.

The Ranee should be liberally provided for in the manner suggested by the Political Agent; and the administration of the district should ultimately be made over to the Lieutenant-governor with the other districts lately transferred to him.

(signed) *Dalhousie.*

27 February 1854.

Minute by the Honourable *J. A. Dorin.*

Jhansi.

I am of opinion, that the State of Jhansi is one of those dependent possessions which the British Government has the absolute right to resume in failure of heirs male of the chieftain, and that as the failure on the present instance is complete, and the paramount power is under no obligation to recognise any adoption, even if that adoption were unequivocal, and in favour of a collateral descendant of the original grantee, which is not now the case, this Government is at liberty to resume the lapsed territory of Jhansi, and is justified in doing so by considerations of sound policy.

(signed) *J. A. Dorin.*

28 February 1854.

Minute by the Honourable Colonel *J. Low*, c. b., concurred in by the Honourable *F. J. Halliday.*

Jhansi.
Minute by the Governor-general, dated 27th Feb. 1854.

With reference to the similarity which exists in respect to power, and (according to general estimation) in respect to political position also, between petty chiefs in Bundlecund, such as the rulers of Jhansi and Chuttercote, and petty princes in Rajpootana, such as those of Kerowlee and Serohee; and adverting also to some of the general considerations stated in my Minute on Nagpore affairs, dated the 10th ultimo, I should have preferred it if the Governor-general had pursued a similar course towards Jhansi to that which we lately adopted towards Chuttercote and Kerowlee, making some modifications in the terms of our engagement with Jhansi in order to prevent future misrule.

But the facts and the reasoning now recorded by the Most Noble the Governor-general in his Minute of the 27th ultimo have combined to bring entire conviction to my mind that the native rulers of Jhansi were never sovereigns; that they were only subjects of a sovereign, first of the Peishwah, and latterly of the East India Company. For those reasons, and for others, also, which are clearly stated by his Lordship, I consider that the Government of India has now a full right, if it chooses to exercise that right, to annex the lands of Jhansi to the British dominions, and, therefore, I have nothing more to say on the subject.

(signed) *J. Low.*

1 March 1854.

I entirely concur with the Most Noble the Governor-general.

2 March 1854. (signed) *Fred. Jas. Halliday.*

No. 19 of 1854.

From Major *D. A. Malcolm*, Political Agent, Gwalior, Bundlekund, and Rewah, to the Secretary to the Government of India, Foreign Department, Fort William.

Sir,

I BEG to submit, for the information of the Most Noble the Governor-general in Council, the accompanying khareeta to his Lordship's address from Lutchmee Baee, the widow of the late Gungadhur Rao Raja of Jhansi.

2. Lutchmee Baee, it will be seen, advocates the right of her late husband to adopt an heir to the principality of Jhansi, on the grounds that by the treaty of 1817 the insertion of the term "joh nasheenan," or successors in general, as opposed to the term "warrisan," or heirs of the body or collateral heirs, warranted his doing so, and also that the fidelity evinced by the Jhansi chiefs towards our Government in past years ought to be taken into consideration by us in coming to a final decision on the fate of the principality.

3. The term above referred to by the Baee is to be found in the second article of the treaty of 1817, but in the preamble the words "nuslun baad nuslun" are used as laying down the terms on which the successor to the principality is to be acknowledged by our Government. The term "joh nasheenan," in a subsequent part of the treaty, undoubtedly of itself implies successors in general; but as the term "bilirs" is used previous to the introduction of the words "warrisan wo joh nasheenan," it is a question for Government to decide whether the latter term conveys any permission on the part of our Government to the Raja to nominate whom he pleased to succeed him on the Gadi, or that the term "bilirs" restricted the succession to persons who were legal heirs to the same.

4. The Baee in her khareeta does not I believe in the slightest degree overestimate the fidelity and loyalty all along evinced by the State of Jhansi towards our Government, under circumstances of considerable temptation before our power had arrived at that commanding position which it has since attained.

I have, &c.
(signed) *D. A. Malcolm*,
Political Agent, Gwalior, Bundlecund,
and Rewah.

Political Agency, Gwalior,
28 February 1854.

TRANSLATION of a Khureeta from Her Highness the *Lakshmi Bai*, the Widow of *Gungadhur Rao*, late Maharajah of Jhansi, to the Address of the Marquis of *Dalhousie*, the Most Noble the Governor-General of India, dated Jhansi, 16th February 1854.

After Compliments,

Distress at recent affliction when I addressed your Lordship upon the 3d December last prevented my entering as fully as I ought to have done into the circumstances of the adoption made by my late husband, an omission which I now beg leave to supply.

It was the good fortune of Sheo Rao Bhao, the father of my late husband, to be the first of the chiefs in this part of the country who tendered their allegiance to the British Government, which he improved by subsequent exertions in inducing them to follow his example; at which Lord Lake was so pleased that he directed him to submit a paper of requests as to the manner in which the interests of himself and family could be best served. In obedience to these orders a paper, wajib ul urz, containing seven different articles, was submitted, through Captain John Baillie, the political agent for Bundelakund, which were all sanctioned by order of the Most Noble the Governor-general of India. Sheo Rao Bhao having omitted to define certain requests in the wajib ul urz, which he was anxious to make, and having in the meantime had an opportunity of rendering further services, his Lordship entered into a new agreement, for the purpose of rectifying this omission, and thereby becoming an additional pledge of fidelity and attachment on his part to the Government. The new agreement consisted of nine articles, in which the benefits of two new articles were added to those already derivable from the seven articles of the wajib ul urz, and having been duly signed and sealed by the Governor-general, was delivered to him by Captain John Baillie, at Kotra.

In the 6th article of the wajib ul urz, Sheo Rao Bhao reports that the Rajas of Urcha, Duttia, Chanderi, and other neighbouring States, are ready to tender their allegiance to the

British Government, provided the different places then in their possession was confirmed to them, and prepared to pay their accustomed tribute to the British Government. Upon which an order was passed, to the effect that any chief who imitated his example in showing obedience and attachment to the British cause should be confirmed in possession of all the advantages then belonging to them; moreover, that other marks of friendship might be expected from service in such a cause.

It was from the same desire to reward past services like these that the British Government entered into a treaty, in 1817, with Rao Ramchundra Rao, the grandson of Sheo Rao Bhao, the second article of which acknowledges Rao Ram Chundra Rao, his heirs and successors, as hereditary rulers in perpetuity of the Jhansi principality, and guaranteed its protection to them from foreign aggression.

During the Burmese war in 1824, Rao Ram Chundra Rao advanced upwards of 70,000 rupees to branjarahs employed in carrying grain to the troops in Burmah. Mr. Ainslie reported his having done so in favourable terms to the Governor-general, who ordered the money to be repaid; but Rao Ramchunda Rao having declined repayment on the grounds that he was an ally of the British Government, and that the interests of the two States were identical, the Governor-general was pleased to send him a dress of honour, with a complimentary khareeta, thanking him for his services upon the occasion. I regret to say that this khareeta has been mislaid, and would esteem it a favour if your Lordship would kindly order my being furnished with a copy of it.

Shortly afterwards, during the siege of Wharutapoor, the city Kalpi, in the British territory, being threatened with an attack from Nannay Pandit, at the time in rebellion against Jaloun, Mr. Ainslie, the agent, called upon Bhikraji Nana, Kamdar of Jhansi during the minority, to despatch troops with the utmost expedition to Kalpi, with the view to protect the Kooneh district from plunder; in consequence of which, Bhikraji Nana made immediate arrangements for sending off 2 guns, 400 sowars, and 1,000 foot soldiers, to Kalpi, and which arrived in time to save Kalpi from being plundered, and proved the means of restoring general confidence to the people in the Kooneh district. Copies of letters from Mr. Ainslie to Ramchundra Rao, the minor Raja, and Bhakaji, his kamdar, thanking them for their services upon this emergent occasion, are submitted with the view of showing that the Jhansi State was always foremost in the field when opportunity occurred for displaying its loyalty to the paramount power.

When Lord William Bentinck was at Jhansi in 1832, he visited Rao Ram Chunder Rao in the fort on the evening of the 19th December, and conferred upon him the title of Maharaj Dhiraj Fidmi Badshah Janujah Englistan, Maharajah Ram Chunder Rao Bahadur, ordering him to have it engraved upon his seal, investing him at the same time with the insignia of the Nakara and Chonar, with permission to adopt the British flag, telling him, in open durbar, that of all the chiefs of Bundelakund, his uncle, Sheo Rao Bhao, had done the best service, and that the honours now conferred were the reward of his meritorious services to the British Government. On arrival at Saugur, his Lordship was further pleased to send him a complimentary letter in English, having a gold-leaf border, dated 20th December 1832, copy of which is forwarded, repeating what he had stated in durbar, and adding, that the letter then issued would serve ever afterwards as the patent of his rank and authority.

Raghoonath Rao, who succeeded his nephew, Ram Chundra Rao, in 1835, died in 1838; when the right of my husband to the succession was acknowledged; but owing to the State being in debt at the time, it was placed under the superintendence of Captain D. Ross for a period of three years, at the expiration of which it was restored to him, with an agreement on his part by which he ceded Dulioh, Talgong, and other districts, valued at 2,55,891 Jhansi rupees, as payment towards a legion to be employed for the purpose of coercing any of his turbulent feudatories who might set his authority at defiance; and one on Colonel Sleeman's part, dated 1st January 1843, confirming to the Jhansi State all the advantages guaranteed to it by virtue of former treaties.

It cannot be denied that the terms warisan, "heirs," and janisinan, "successors," made use of in the second article of the treaty with Ram Chundra Rao, refer to different parties; the term warisan being confined in meaning to national or collateral heirs, while janishinan, on the contrary, refers to the party adopted as heir and successor to the estate, in the event of there being no national or collateral heir entitled to the succession. Treaties are studied with the utmost care before ratification; and it is not to be supposed that the term janishinan used in contradistinction to warisan was introduced in an important document of this kind, of the authority almost of a revelation from Heaven, without a precise understanding of its meaning, the advantages of which are further explained by the clause declaring the gift then made to have been one in perpetuity to the family. It was with this understanding of the terms of the treaty that my husband, the day before his death, summoned Major Ellis and Captain Martin, the officer commanding the station, to the palace, and with his dying breath, in full durbar, made over Anand Rao, his adopted son, to the care and protection of the British Government, delivering at the same time a kharita, or testament, further declaratory of his wishes on this solemn occasion for communication to your Lordship.

I take the liberty of enclosing a list of some of the precedents which have occurred in Bundelakund in which the right of the native chief or his widow to adopt a successor to the gadi, in default of national heirs, has been sanctioned; and as it is the firm reliance which they feel in the integrity and justice of the British Government which enables them to pass their days in peace and quietness, without other care than how to prove their loyalty, venture to express a hope that the widow of the son of Sheo Rao Bhao will not be considered undeserving of that favour and compassion which others similarly situated have been declared entitled to.

(True translation.)

(signed) *R. R. W. Ellis*,
Political Assistant for Bundelkund.

Enclosure 1.

FOUR precedents quoted in favour of the adoption of Anand Rao being sanctioned.

1. Bijaya Bahadur, the present Raja of Duttia, was a foundling, of unknown caste, picked up on the road by Parikshat, the last Raja; this adoption was sanctioned.

2. The last Chief of Jaloun, like the Jhansi State, a Brahmin family, was adopted by his sister, the widow of Bala Rao, Chief of Jaloun, after his death; and this adoption from a different gote or clan was sanctioned.

3. The last Raja of Urcha, Sujan Singh, was an adopted son of Tej Singh, the former Raja; and this adoption was sanctioned.

4. In 1839, Khanday Rao, a Brahmin Jagirdar, of Algi, but not connected in alliance with the British Government, died without leaving issue; Mr. Fraser confiscated his estate, as having lapsed, but Colonel Sleeman, taking a more liberal view of the case, obtained the sanction of Government to his widow being allowed to adopt. She adopted the son of a very remote ancestor; when the revenue collections for the four years, during the period that it had been confiscated, were made over to her.

Enclosure 2.

TRANSLATION of a Letter from *M. Ainslie*, Esq., Agent to the Governor-General for Bundelkhund, dated 16 December 1824, to *Ram Chunder Rao*, Minor, Raja of Jhansi.

My Friend,

I HAD the gratification of bringing your good conduct regarding the Brandjarahs to the notice of the Most Noble the Governor-general of India; and I have much pleasure, by his directions, in sending you a khilaut, with a letter from his Lordship, thanking you for your services upon this occasion.

Enclosure 3.

TRANSLATION of a Perwanah from *M. Ainslie*, Esq., Agent Governor-General, dated 11 January 1825, to *Bhikaji Nanee*, Kamdar of Jhansi.

YOUR letter, stating that the Jhansi State, in compliance with my requisition, had detached troops under the command of Abaji Bakshi to Kooneh, for the purpose of protecting it against attacks of Minnay, Pandit of Parasan, has come to hand, and has afforded me much satisfaction, as showing your zeal in the British cause. You will have heard of the arrival of the British troops, and those from Jhansi can be recalled.

Enclosure 4.

TRANSLATION of a Letter from *M. Ainslie*, Esq., Agent Governor-General for Bundelakund, to *Ram Chunder Rao*, Minor, Raja of Jhansi, dated 22 January 1825.

My Friend,

YOUR letter, reporting that you had ordered Bhikaji Nanah to send a force to Kooneh has arrived; but previous to its arrival I had informed Bhikaji Nana, as you will have heard, that it was no longer required. I feel much gratified by what Mir Ahmud Ali, your vakil, has made known to me.

(True translation.)

(signed) *R. R. W. Ellis*,
Political Assistant for Bundlecund.

(True copies.)

(signed) *J. Williams*, Head Clerk.

No. 1036 of 1854.—Foreign Department.

From *J. W. Dalrymple*, Esq., Officiating Under-Secretary to the Government of India, to Major *D. A. Malcolm*, Political Agent for Bundlecund and Rewah.

Sir,

In reply to your letter dated 28th ultimo, No. 19, submitting a khureeta from the widow of the late Rajah of Jhansi, in which she advocates the right of her late husband to adopt an heir to the Principality of Jhansi, I am directed by the Governor-general in Council to refer you to the letter to your address, dated 7th instant, No. 881, on the subject.

I have, &c.
(signed) *J. W. Dalrymple*,
Officiating Under Secretary to the
Government of India.

Fort William, 17 March 1854.

No. 24 of 1854.

From Major *D. A. Malcolm*, Political Agent, Gwalior, Bundlecund, and Rewah, to the Secretary to the Government of India, Foreign Department, Fort William.

Sir,

I have been favoured with your despatch of the 7th instant, No. 881, conveying to me the decision of the Most Noble the Governor-general in Council, in regard to the State of Jhansi, and directing me to adopt measures for taking possession of the same as British territory.

2. I beg you will do me the favour to submit, for the information of his Lordship, the papers noted in the margin *, which will apprise him of the steps I have taken to give effect to his wishes.

3. It will be seen that I have directed Major Ellis to assume charge of the country, and as the simplest mode of carrying on the duties of its Government during the short period which I presume it will remain under my supervision, to adhere to the rules and regulations introduced by Major Ross, the late Superintendent at Jhansi, with which the people are, I believe, perfectly familiar.

4. I have directed Major Ellis to pay up and discharge the small party of the irregular troops still in the service of the Jhansi State. These men, I think, if they peaceably take their discharge, should receive a donation to enable them to reach to their homes; and if it meets the approval of Government, I will direct Major Ellis to advance two months' pay to each soldier for that purpose.

5. The State of Jhansi has been under our supervision since the death of the late Raja, on the 21st of November 1853; but as there has been no reduction made in the establishment, and everything has been carried on in the native manner, I would beg to suggest the most liberal, and at the same time most simple mode of adjusting the accounts of the State, that all the receipts and disbursements should be made up to the close of the present official year, 1st May 1854 (six weeks hence), on account of the Jhansi Government, and that the British Government should commence from that period to collect the revenues of the country.

6. This will enable the Jhansi Government to pay up and discharge its troops and establishments without any inconvenience, and enable us to enter with the year 1854-55 on the Government of the country, without mixing ourselves

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* 1. Letter to Major Ellis, dated 15th March 1854.
2. Proclamation issued to the inhabitants of Jhansi and its dependencies.

ourselves up with the collections for the short period which is still required to complete the present official year.

7. In my letter of the 25th November last I recommended, for the consideration of Government, that a liberal provision of 5,000 Company's rupees per mensem should be made to the Ranee during her lifetime, and I presume the sanction of Government to the above proposition is contained in the second paragraph of your letter; but as the amount is not quoted, I have refrained from mentioning the sum in the khareeta which I have addressed to the Ranee.

8. I therefore beg to submit, for the consideration and sanction of Government, the following proposition in regard to this lady, who bears a very high character, and is much respected by every one at Jhansi:

1st. That a pension of 5,000 Company's rupees should during her lifetime be paid to her monthly from the treasury at Jhansi, or at any place at which she may choose to reside.

2d. That the palace at Jhansi should be made over to her for her residence, and to be considered as her private property.

3d. That during her lifetime she and her personal female attendants should be exempted from arrests and from the processes of our courts.

4th. That in compliance with her husband's last request, all the State jewels and private funds, and any balance remaining in the public treasury after closing the accounts of the State, should also be considered as her private property; and, finally, that a list of the old adherents of the family should be prepared and submitted to the Government of India, with the view to their obtaining during their lifetime some stipends for their support.

9. I do not anticipate that any obstructions will be thrown in our way in giving effect to the wishes of Government in regard to the State of Jhansi; and now that all anxiety in regard to Tehri has been removed by the late orders of Government, I am of opinion that one entire regiment of native infantry will be sufficient for the present for the duties of Jhansi itself.

10. It will be seen that I have directed three companies to occupy the fort of that place, and two companies to be detached from Sipree to Korara. I have adopted the first of these measures, both as a matter of precaution, and also to afford the men of Scindiah's Contingent now at Jhansi shelter during the hot winds, to which they would otherwise be exposed in tents, when the wing of the 12th Regiment Bengal Native Infantry occupy the lines at that place.

11. Should any symptom of disaffection show itself, which I do not anticipate, Captain Hennessy can, in one forced march, reach the Jhansi territories from Sipree with 500 men, two guns, and a troop of cavalry; and Brigadier Hill can also, on any emergency, furnish a detachment of two regiments of native infantry, with cavalry and guns in proportion, at a few days' notice.

12. Before closing this report, I beg to call the attention of Government to the 15th paragraph of my letter of the 25th of November 1853, No. 24, in which I requested, in the event of this State lapsing to the British Government, the charge might be placed in the hands of Captain Erskine, the commander at Jubbulpore. At this distance it is difficult for me to supervise in a satisfactory manner the management of so extensive a charge; and Major Ellis has so many other duties to attend to, that if it is intended that any length of time should elapse before the district is made over to the Government of the North-Western Provinces, an assistant should be allowed him to aid in carrying on the duties of the office.

13. Much inconvenience would, however, I think, be avoided by making over the management of this district at once to the Lieutenant-governor of the North-Western Provinces, who, by placing them on the same footing as the other districts in the charge of the Commissioner for the Saugor and Nerbudda territories, would avoid all the bad effects which a transfer from one system to another must naturally tend to produce.

14. As a change has to be made from the present system to that in force in our districts in the neighbourhood, it appears to me that it would be better that it should be made at once than that it should pass through an intermediate stage,

stage, which will be the case if it is allowed to remain in my hands without any separate establishment to enable me to place it on the footing on which it is intended permanently to remain.

I have, &c.
(signed) *D. A. Malcolm*,
Political Agent, Gwalior, Bundlekund and Rewal.

Political Agency, Gwalior,
16 March 1854.

No. 67 of 1854.

From Major *D. A. Malcolm*, Political Agent, Gwalior, Bundlekund, and Rewah, to Major *Ellis*, Political Assistant for Bundlekund and Rewah, Jhansi.

Sir,

I beg to forward, for your information and guidance, the copy of a despatch which I have received from the Government of India, intimating to me that the Most Noble the Governor-general in Council declines to recognise the adoption by the late chief of Jhansi as conferring any right to succeed to the rule of that State, and that his Lordship in Council has resolved to take possession of the principality of Jhansi as British territory.

2. I beg to transmit a khareeta to the address of the widow of the late chief, intimating to her the decision of his Lordship in her case, and I beg you will do me the favour to cause it to be delivered into her hands as early as practicable.

3. You will be so good as to assure the Ranee that a liberal provision will be made for her support, and that she will be treated with respect and consideration.

4. The Government having directed me to adopt measures for taking possession of the State of Jhansi as a lapse to the British Government, I have to request that you will, on the receipt of this, assume charge of it in addition to your other duties.

5. A proclamation, under my hand and seal, intimating to the inhabitants of Jhansi and its dependencies the changes which are about to take place, is herewith enclosed; copies of it should be immediately prepared and transmitted to every part of the Jhansi territories.

6. One of the first steps which you should adopt is to pay up and discharge the regular troops in the service of the late Maharaja. I shall apply to the Government of India for permission to grant these men two months' extra pay to enable them to return to their homes; but in the meanwhile the amount should be ascertained and liquidated from assets to be provided by the late Government of Jhansi.

7. In regard to the establishments to be maintained for carrying on your new duties, and the number of Seebundees to be employed in the districts, you cannot do better than to be entirely guided by what was considered necessary by Major Ross while he held a similar charge.

8. It is understood that the regulations in force during Major Ross's incumbency are in a great measure still adhered to. In this case very little change will now be necessary; but should I, however, be mistaken, I beg you will, as a general rule, in all cases, whether civil or criminal, be guided as much as practicable by the rules and regulations adopted by that officer.

9. I would not wish to interfere with you in any way in the selection of the officers you may wish to employ; but where it is not likely to interfere with the interest of Government, I think it will be advisable that as many of the old servants of the late Government as you may consider deserving of trust should be employed on the new establishments, especially in the revenue department.

10. The family and adherents of the late Raja have so much at stake in the present occasion, that I do not anticipate that we shall experience any obstructions from them in carrying out the orders of Government we have now received; but,

but, as a precautionary measure, I think it will be advisable that the detachment now in the fort of Jhansi should be increased to three companies, and that two or more companies should be posted in the fort of Kurara.

11. The former garrison you can obtain from the 6th Regiment Scindia's Contingent, now at Jhansi; and the latter, by a communication addressed to Captain Hennessy, commanding at Sipree, who has been requested to attend to any requisition you may address to him, to the amount of 500 men, two guns, and a troop of cavalry.

12. I have applied to Government to be allowed to withdraw to Morar on the arrival of the wing of the 12th Native Infantry, a wing of the regiment of Scindiah's Contingent now at Jhansi, as I think, with the reinforcement you can command from Sipree, a complete regiment of native infantry, a corps of cavalry and guns will be found, now that the Tehri question is settled, ample for any duties which we may require of them. Should any symptom of disaffection show itself, an additional force can immediately be detached from this to any part of the country where its presence may be required.

13. There are several points connected with winding up the affairs of the late Government, and the provision to be made for the widow of the late Raja and her adherents, on which I am about to address Government, and will communicate the result to you as early as practicable.

14. In the meanwhile I feel assured, from my knowledge of the conciliatory spirit by which your proceedings have always been characterised, that you will have no difficulty in establishing the authority of Government, and carrying on your new duties without opposition throughout the territories now made over as a temporary measure to your immediate charge.

I have, &c.
(signed) *D. A. Malcolm*,
Political Agent, Gwalior, &c.

Political Agency, Gwalior,
15 March 1854.

(True copy.)

(signed) *D. A. Malcolm*,
Political Agent, Gwalior, Bundlekund, and Rewah.

TRANSLATION of a General Proclamation issued by Major *D. A. Malcolm*, Political Agent, Gwalior, Bundlekund, and Rewah, for distribution in the Jhansi Territories, dated 13 March 1854.

WHEREAS the Maha Raja Gungadhur, Rao of Jhansi, having departed this life on the 21st of November 1853, and having previously to his death adopted Damodhur Rao as his heir, and whereas a letter has been received by me this day from the Secretary to the Government of India, dated the 7th instant, informing me that the Most Noble the Governor-general in Council had, for several reasons, declined to confirm and sanction the said adoption, and had directed that the principality of Jhansi should be taken under the charge of the British Government, the present proclamation is issued to all, to notify that the said principality has been assumed by the British Government, and that I have for the present placed Major Ellis, the political agent in Bundlekund, in charge of the same. It is therefore incumbent on all the subjects of the said principality to consider themselves under the authority of the said Government, and, paying the revenue due by them to Major Ellis, remain happy and contented.

(True translation.)

(signed) *D. A. Malcolm*,
Political Agent, Gwalior, Bundlekund, and Rewah.

MINUTE by the Most Noble the Governor-General of India.

1. THE view of the Political Agent seems to be quite correct as to the expediency of transferring the principality of Jhansi at once to the jurisdiction of the Lieutenant-Governor, with whom it is intended ultimately to rest.

The Lieutenant-Governor should be addressed accordingly, and his opinions should be solicited as to the arrangements which he would wish to make.

2. Major Malcolm should be informed that this had been done, and that he will be again addressed, when a reply shall have been received from the Lieutenant-governor.

3. All the proposals of Major Malcolm regarding the Ranee, &c, at Jhansi were very proper, and may be approved subject to one exception, which is an important one. He proposes that all the property of the late Rajah should be given to the Ranee; but I apprehend that it is beyond the power of the Government so to dispose of the property of the Rajah, which by law will belong to the son whom he adopted. The adoption was good for the conveyance of private rights, though not for the transfer of the principality.

4. The gratuity to the discharged soldiers should be, as usual, six months' pay.

25 March 1854. (signed) *Dalhousie.*

27 March. (signed) *J. Dorin.*

(I concur.)

27 March. (signed) *J. Low.*

20 March. (signed) *Frederick James Halliday.*

No. 1381 of 1854.—Foreign Department.

From *J. P. Grant*, Esq., Secretary to the Government of India, to Major *D. A. Malcolm*, Political Agent for Bundlecund and Rewah.

Sir,

I HAVE the honour to acknowledge the receipt of your despatch, dated the 16th instant, No. 24, forwarding copies of papers reporting the measures adopted by you for taking possession of the Jhansi State as British territory, and submitting certain proposals in regard to that territory, and the Ranee and her dependants.

2. In reply, I am directed to acquaint you that the Governor-general in Council approves of the proposals which you have made, with the exception of your proposal that all the property of the late Rajah should be given to the Ranee. His Lordship in Council apprehends that it is beyond the power of the Government so to dispose of the property of the Rajah, which by law will belong to the son whom he adopted. The adoption, if regularly made, was good for the conveyance of private rights, though not for the transfer of the principality.

3. His Lordship in Council sanctions your paying up and discharging the small party of the regular troops still in the service of the Jhansi State, with a gratuity of six months' pay to each soldier, which is the usual gratuity in such cases, instead of two months' pay, as proposed by you.

4. His Lordship in Council concurs with you as to the expediency of transferring the principality of Jhansi at once to the jurisdiction of the Lieutenant-governor of the North-Western Provinces, with whom it is intended ultimately to rest. His Honour has been addressed accordingly, and he has been asked what

what arrangements for this purpose he would propose to make. When the Lieutenant-governor's reply is received, you will be addressed again on this subject.

I have, &c.

Fort William,
31 March 1854.

(signed) *J. P. Grant,*
Secretary to the Government of India.

No. 1383 of 1854.—Foreign Department.

From *J. P. Grant*, Esq., Secretary to the Government of India, to *W. Muir*, Esq., Secretary to Government, North-Western Provinces.

Sir,

The Government of India having determined to place the Jhansi State, which has lapsed to the British Government, under the control of the Government of the North-Western Provinces, I am directed by the Governor-general in Council to request that his Honour the Lieutenant-governor will favour the Government of India with his opinions as to the arrangements which he would wish to make for carrying out the object.

2. A copy of a despatch from Major Malcolm, No. 24, dated the 16th instant, and of the reply to it under this date, are enclosed for his Honour's information.

I have, &c.

Fort William, 31 March 1854.

(signed) *J. P. Grant.*

(True copies.)

(signed) *T. L. Peacock,*
Examiner of India Correspondence.

EAST INDIA (ANNEXATION OF JHANSI).

COPIES of a TREATY between *Ramchund Rao*, Soubadar of Jhansi, and the British Government, concluded in the Year 1817; and of REPORTS and CORRESPONDENCE relative to the ANNEXATION of the TERRITORY of JHANSI to the British Territories.

(*Mr. Cayley.*)

Ordered, by The House of Commons, *to be Printed,*
27 *July* 1855.

[*Price* 1 *s.*]

431.

Under 8 *oz.*

RETURN

To an Order of the House of Lords, dated 29th April 1858,

FOR

The Report to the General Court of the East India Company from the Court of Directors upon the Two Bills now before Parliament relating to the Government of India.

Report to the General Court of Proprietors drawing Attention to the Two Bills now before Parliament relating to the Government of India.

At a Court of Directors of the East India Company, held on Tuesday the 6th April 1858:—

The Chairman, drawing the Court's Attention to the Two Bills now before Parliament relating to the Government of India, submitted the Draft of a proposed Report to the General Court of Proprietors on the Subject; Whereupon,

It was agreed that the same be referred to the Consideration of a Committee of the whole Court.

The Court being resumed, and a Report from the Committee being read:

Resolved,—That this Court approve the said Draft of a Report, as altered by the Committee; and that the same be laid before the General Court of Proprietors to be held To-morrow.

At a Special General Court of the East India Company, held at the East India House on the 7th April, it was ordered, That the said Report be printed.

Report from the Court of Directors of the East India Company to the General Court of Proprietors.

It is the Duty of your Directors to lay before the Proprietors the Two Bills which have been introduced into Parliament by the late and by the present Ministry, for divesting the East India Company of all Participation in the Government of India, and framing a new Scheme of Administrative Agency.

On former Occasions, when the Ministers of the Crown have submitted Measures to Parliament for altering in any Manner the Constitution of the Indian Government, the Substance of the Measures has been officially communicated to the Court of Directors, and an Opportunity allowed to them of offering such Remarks as their Knowledge and Experience in Indian Affairs might suggest. The Correspondence being afterwards laid before the Court of Proprietors formed the most appropriate Report which the Directors could make to their Constituents on the Measures under Consideration by the Legislature. In the present Instance, this Opportunity not having been afforded to them, it appears desirable that they should adopt the present Mode of laying before the Proprietary Body the Observations which it is entitled to expect from its

its executive Organ, on the Bills now before Parliament, and on the present Posture of the Company's Affairs.

The Directors cannot but advert with Feelings of Satisfaction to the altered Tone which Public Discussion has assumed in regard to the Character of the East India Company, and the Merits of the Administration in which the Company has borne so important a Part. The Intention of proposing the Abolition of the Company's Government was announced in the Midst of, and it may be surmised in deference to, a Clamour, which represented the Government of India by the Company as characterized by nearly every Fault of which a civilized Government can be accused, and the Company as the main Cause of the recent Disasters. But in the Parliamentary Discussions which have lately taken place there has been an almost universal Acknowledgment that the Rule of the Company has been honourable to themselves and beneficial to India; while no political Party, and few Individuals of any Consideration, have alleged anything seriously disparaging to the general Character of the Company's Administration. So far, therefore, the Stand made by the Company against the Calumnies with which they have been assailed may be considered to have been successful.

But the Admission generally made, and made explicitly by the Proposers of both the Bills, that the existing System works well, has not had the Effect of inducing Doubt of the Wisdom of hastily abolishing it. Neither does it seem to have been remembered, that if the System has worked well there must be some Causes for its having done so, and that it would be worth while to consider what these are, in order that they might be retained in any new System. If the Constitution which has made the Indian Government what it is must be abolished, because it is thought defective in Theory, what is substituted should at least be theoretically unobjectionable. But the Constitution of the East India Company, however anomalous, is far more in accordance with the acknowledged Principles of good Government than either of the proposed Bills.

The Nature of the Case is, indeed, itself so anomalous, that something anomalous was to be expected in the Means by which it could be successfully dealt with.

All English Institutions and Modes of political Action are adapted to the Case of a Nation governing itself. In India, the Case to be provided for is that of the Government of one Nation by another, separated from it by Half the Globe; unlike it in everything which characterizes a People; as a whole, totally unacquainted with it; and without Time or Means for acquiring Knowledge of it or its Affairs.

History presents only Two Instances in which these or similar Difficulties have been in any considerable Degree surmounted. One is the Roman Empire; the other is the Government of India by the East India Company.

The Means which the Bills provide for overcoming these Difficulties consist of the unchecked Power of a Minister. There is no Difference of Moment in this respect between the Two Bills. The Minister, it is true, is to have a Council. But the most despotic Rulers have Councils. The Difference between the Council of a Despot and a Council which prevents the Ruler from being a Despot is, that the one is dependent on him, the other independent; that the one has some Power of its own, the other has not. By the First Bill, the whole Council is nominated by the Minister; by the Second, One Half of it is nominated by him. The Functions to be intrusted to it are left, in both, with some slight Exceptions, to the Minister's own Discretion.

The Minister is indeed subject to the Control of Parliament and of the British Nation. But though Parliament and the Nation exercise a salutary Control over their own Affairs, it would be contrary to all Experience to suppose that they will exercise it over the Affairs of a Hundred Millions of Hindoos and Mahomedans. Habitually, they will doubtless be hereafter, as they have been heretofore, indifferent and inattentive to Indian Affairs, and will leave them entirely to the Minister. The Consequence will be, that in the exceptional Cases in which they do interfere the Interference will not be grounded on Knowledge of the Subject, and will probably be for the most part confined to Cases where an Indian Question is taken up from Party Motives, as the Means of injuring a Minister; or when some Indian Malcontent, generally with Objects opposed to good Government, succeeds in

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interesting the Sympathies of the Public in his Favour. For it is not the People of India, but rich Individuals and Societies representing Class Interests, who have the Means of engaging the Ear of the Public through the Press, and through Agents in Parliament. And it is important to remark, that, by the Provisions of either of the Bills the House of Commons will be rendered even less competent, in point of Knowledge of Indian Affairs, than at present, since by both Bills all the Members of the Council of India will be excluded from it.

The Government of Dependencies by a Minister and his Subordinates, under the sole Control of Parliament, is not a new Experiment in England. That Form of Colonial Government lost the United States, and had nearly lost all the Colonies of any considerable Population and Importance. The Colonial Administration of this Country has only ceased to be a Subject of general Condemnation since the Principle has been adopted of leaving all the important Colonies to manage their own Affairs; a Course which cannot be followed with the People of India. If the Control of Parliament has not prevented the habitual Mismanagement of Countries inhabited by Englishmen like ourselves, who had every Facility for representing and urging their Grievances, it is not likely to be any effectual Protection to Mussulmans and Hindoos.

All Governments require constitutional Checks; but the constitutional Checks applicable to a Case of this peculiar Kind must be found within the governing Body itself.

Though England as a whole, while desiring nothing but to govern India well, is necessarily ignorant of India, and feels, under ordinary Circumstances, no particular Interest in its Concerns, there are in England a certain Number of Persons who possess Knowledge of India, and feel an Interest in its Affairs. It seems, therefore, very desirable, for the Sake of India, that England should govern it through and by means of these Persons. This would be the Case if the Organ of Government principally consisted of Persons who have passed a considerable Portion of their Lives in India, or who feel that habitual Interest in its Affairs which is naturally acquired by having aided in administering them; and if this Body, or a Majority of it, were periodically elected by a Constituency composed of Persons in England who have served the Government for a certain Length of Time in India, or whose Interests are connected with that Country by some permanent Tie, it would be an additional Advantage if this Constituency had the Power of requiring Information, and compelling a public Discussion of Indian Questions. These are Conditions which, to a considerable Extent, the existing Constitution of the East India Company fulfils.

The other great constitutional Security for the good Government of India lies in the Forms of Business. This is a Point to which sufficient Importance is not generally attached. The Forms of Business are the real Constitution of India.

From the Necessity of the Case, recognised in both the proposed Measures, the Administration must be shared, in some Proportion, between a Minister and a Council. The Council may consist of Persons possessing Knowledge of India. The Minister, except in very rare Cases, can possess little or none. He is placed in Office by the Action of political Party, which is governed by Considerations totally unconnected with India, and, in the common Course of Politics, he is removed from Office by the Time he has been able to learn his Duty. Even in the unusual Case, of which present Circumstances are an Example, when the Minister has made himself acquainted with India through the Discharge of high Functions in India itself, his Knowledge is but the Knowledge of One Man; and One Man's Knowledge of a Subject like India, until corrected and completed by that of other Men, is, it may safely be affirmed, wholly insufficient, and, if implicitly trusted, even dangerous. The good Government, therefore, of India, by a Minister and a Council, depends upon the Amount of Influence possessed by the Council; and their Influence depends upon the Forms of Business.

However experienced may be the Council, and however inexperienced the Minister, he will have the deciding Voice. The Power will rest with One who may know less of the Subject than any Member of the Council, and is sure to know less than the Council collectively, if they are selected with ordinary Judgment. The Council will have no substantive Power, but only moral

Influence. It is therefore all important that this Influence should be upheld. Unless the Forms of Business are such as to ensure that the Council shall exercise its Judgment on all Questions, that all Matters requiring Decision shall be considered by them, and their Views recorded in the initiatory Stage, before the Minister has committed himself to an Opinion, they will possess no more Weight or Influence than the same Number of Clerks in his Office (whom also he can consult if he pleases), and the Power of the Minister will be practically uncontrolled.

In both the Bills these Considerations are entirely disregarded. The first Bill does not establish any Forms of Business, but leaves them to be determined by the Minister and his Council; in other Words by the Minister. Even, therefore, if the Minister first appointed should be willing to establish Forms which would be any Restraint upon himself, a subsequent Minister would have it in his Power to alter the Forms in any Manner he pleased.

The second Bill, unlike the first, does establish Forms of Business, but such alone as would effectually prevent the Council from being a Reality, and render it a useless Pageant.

To make the Council a merely consultative Body, without Initiative, before whom Subjects are only brought after the Minister has made up his Mind, is already a fatal Inroad upon its Usefulness. But by the second Bill the Council are not even a consultative Body. The Minister is under no Obligation to consult them. They are not empowered to hold any regular Meetings. They are to meet only when the Minister convenes them, or on a special Requisition by Six Members. He may send Orders to India without their Knowledge when the Case is urgent, of which Urgency he is the sole Judge. When it is not urgent, his Orders must be placed in the Council Room for the Perusal of the Members for Seven Days, during which they are not required, but permitted, to give their Opinion, not collectively, but individually. Their only Power, therefore, is that of recording Dissent from a Resolution not only taken, but embodied in a Despatch. And as if this was not enough, Provision is made that an Office, always invidious, shall be incapable of being fulfilled in any but the most invidious Manner. The Members of Council must come forward individually in declared Opposition to the Minister, by volunteering a Protest against his announced Intentions, or signing a Requisition for a Meeting of Council to oppose them. Such a Council is fitted to serve as a Shield for the Minister's Responsibility when it may suit him to seek, and them to accord, their Adhesion, rather than as a Restraint on his Power to administer India according to his individual Pleasure.

The Directors are bound to admit, that the first of the Bills contains several Provisions indicative of a Wish to assure to the Council a certain, though small, Amount of Influence. The Administration is to be carried on in the Name of the President in Council, and not, as by the second Bill, in that of the Secretary of State alone. The Council, as well as the President, has a Voice in the Appointment of the Home Establishment; while in the second Bill all Promotions and all Appointments to the principal Offices under the Council rest with the Secretary of State exclusively; a Provision which divests the Council of all Control or Authority over their own Establishment. Again, by Section XII. of the first Bill, no Grant involving Increase of Expenditure, and no Appointment to Office or Admission to Service, can be made without the Concurrence of Half the Council. This, as far as it goes, is a real Power, but its Value is much diminished by the Consideration that those by whom it is to be exercised are the Nominees of the Minister, dependent on him for their Continuance in Office after a few Years.

In some other Points the Provisions of the second Bill seem to have the Advantage. Its Council is more numerous; to which, however, little Importance can be attached, if the Council has no substantial Power. It also recognizes that the whole of the Council ought not to be nominated by the Minister, and that some Part of it should be elected by a Constituency specially qualified by a Knowledge of India. But even in these, the best Points of the Bill, it is, in the Opinion of the Directors, very far from unexceptionable. The Nomination of even Half the Council by the Minister takes away all Security for an independent Majority. It may, indeed, be doubted whether there is any sufficient Reason for the Minister's nominating any Portion, except the supposed Reluctance of some eligible Persons to encounter a Canvass. The Proportion

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of One Third, whom the Minister now nominates to the Court of Directors, seems the largest which, consistently with full Security for Independence, can be so appointed.

The Provision that each of the Members nominated by the Crown shall be selected as the Representative of some particular Branch of the Service in India is still more objectionable. Not only would it preclude the Nomination of the most distinguished Man, if the Seat in Council appropriated to the Department in which he had served were not at the Time vacant, but it would introduce a Principle which cannot be too strongly deprecated, that of Class Legislation. The Council should comprise the greatest attainable Variety of Knowledge and Experience, but its Members should not consider themselves as severally the Representatives of a certain Number of Class Interests.

The Clause which continues to the Proprietors the Power of electing some Portion of the Council is, so far, deserving of Support; and the Principle of enlarging the Constituency by the Addition of Persons of a certain Length of Indian Service and Residence, is, in itself, unexceptionable, but unless guarded by Provisions, such as have never yet been introduced into any Electoral System, so large and scattered a Constituency as that proposed would greatly add to the Inconvenience of Canvass, especially as it is not certain that the new Electoral Body would adopt, from the old, the salutary Custom of re-electing, as the general Practice, whoever has been once chosen, and has not, by Misconduct or Incapacity, deserved to forfeit their Confidence. The Duties of a Member of Council would be entirely incompatible with a continually recurring Canvass of the Constituency.

Respecting the Proposition for giving the Choice of Five Members of Council to the Parliamentary Constituencies of Five great Towns, the Court of Directors can only express a Feeling of Amazement. It is not the mere Fact of Election by a Multitude that constitutes the Benefits of the popular Element in Government. To produce those Benefits the Affairs of which the People are enabled to control the Management must be their own Affairs. Election by multitudinous Bodies, the Majority of them of a very low Average of Education, is not an Advantage of Popular Government, but, on the contrary, one of its acknowledged Drawbacks. To assign to such a Constituency the Control, not of their own Affairs, but of the Affairs of other People on the other Side of the Globe, is to incur the Disadvantages of popular Institutions without any of the Benefits. The Court of Directors willingly admit the Desirableness, if not Necessity, of some Provision for including an English Element in the Council of India; but a more objectionable Mode than the one proposed of attaining the Object could scarcely, in their Opinion, be devised.

Besides the Provisions which relate to the Organ of Government in England, the Bills contain Provisions relating to India itself which are open to the strongest Objection.

The Appointments to the Councils at Calcutta and at the subordinate Presidencies, which are now made by the Court of Directors with the Approbation of the Crown, are transferred by both Bills to the Governor General and to the Governors of Madras and Bombay. The Court of Directors are convinced that this Change would greatly impair the Chances of good Government in India. One of the Causes which have most contributed to the many Excellences of the Indian Administration is, that the Governor General and Governors have always been associated with Councillors selected by the Authorities at home from among the most experienced and able Members of the Indian Service, and who, not owing their Appointments to the Head of the Government, have generally brought to the Consideration of Indian Affairs an independent Judgment. In consequence of this, the Measures of a Government, necessarily absolute, have had the Advantage, seldom possessed in absolute Governments, of being always preceded by a free and conscientious Discussion; while, as the Head of the Government has the Power, on recording his Reasons, to act contrary to the Advice of his Council, no public Inconvenience can ever arise from any Conflict of Opinion. These important Officers, who by their Participation in the Government form so salutary a Restraint on the Precipitancy of an inexperienced or the Wilfulness of a despotically tempered Governor General or Governor, are henceforth to be appointed by the great Functionary whom they are intended to check. And this Restraint is removed when the Necessity for an independent Council will be greater than ever, since the Power of appointing the Governor General, and of recalling him, is taken away from the Company, and from the Body which is to be their Substitute. It may be added, that the Authorities at home have had the Opportunity of being acquainted with the Conduct and Services of Candidates for Council from the Commencement of their Career. The Governor General or Governor would often have to nominate a Councillor soon after their Arrival in India, when necessarily ignorant of the Character and Merits of Candidates, and would be entirely dependent on the Recommendation of irresponsible Advisers.

Another most objectionable Provision demands Notice, which is to be found only in the Second Bill. A Commission, appointed in England, is to proceed to India for the Purpose of inquiring and reporting on the Principles and Details of Indian Finance, including the whole Revenue System, and, what is inseparably involved in it, the proprietary Rights and social Position of all the great Classes of the Community. The Court of Directors cannot believe that such a Project will be persisted in. It would be a Step towards the Disorganization of the Fabric of Government in India. A Commission from England, independent of the local Government of the Country, deriving its Authority directly from the higher Power to which the local Government is subordinate, and instructed to carry back to the higher Power Information on Indian Affairs which the local Government is not deemed sufficiently trustworthy to afford, would give a most serious Shock to the Influence of the local Authorities, and would tend to impress all Natives with the Belief that the Opinions and Decisions of the local Government are of small Moment, and that the Thing of real Importance is the Success with which they can contrive that their Claims and Objects shall be advocated in England. Up to the present Time it has been the Practice of the Home Government to uphold in every way the Authority of the Governments on the Spot; even when reversing their Acts, to do so through the Governments themselves, and to employ no Agency, except in subordination to them.

From this Review of the chief Provisions of the Bills, which embody the Attempts of Two great Divisions of English Statesmen to frame an Organ of Government for India, it will probably appear to the Proprietors that neither of them is grounded on any sufficient Consideration of past Experience, or of the Principles applicable to the Subject; that the passing of either would be a Calamity to India; and that the Attempt to legislate while the Minds of leading Men are in so unprepared a State is altogether premature.

The Opinion of your Directors is, that by all constitutional Means the passing of either Bill should be opposed; but that if one or the other should be determined on for the Purpose of transferring the Administration, in Name, from the East India Company to the Crown, every Exertion should be used in its Passage through Committee to divest it of the mischievous Features by which both Bills are now deformed, and to maintain, as at present, a really independent Council, having the Initiative of all Business, discharging all the Duties and possessing all the essential Powers of the Court of Directors. And it is the Court's Conviction that Measures might be so framed as to obviate whatever may be well founded in the Complaints made against the present System, retaining the Initiative of the Council, and that Independence of Action on their Part which would be regarded as paramount and indispensable.

East India House,
1st May 1858.

J. D. DICKINSON,
Secretary.

RETURN

To an Order of the House of Lords,
dated 29th April 1858,

FOR

The Report to the General Court of the East India Company from the Court of Directors upon the Two Bills now before Parliament relating to the Government of India.

(*The Lord Sundridge.*)

Ordered to be printed 3d May 1858.

(87.)

EAST INDIA.

LETTER

FROM

The CHAIRMAN and DEPUTY CHAIRMAN of the HONOURABLE EAST INDIA COMPANY to the PRESIDENT of the BOARD OF CONTROL.

My Lord, East India House, 23d June 1858.

1. ALTHOUGH the Bill which has been newly brought in by Her Majesty's Ministers "for the better Government of India" has not yet been formally communicated to the Court of Directors, the Court, influenced by the Desire which they have already expressed, to give all Aid in their Power towards rendering the Scheme of Government which it is the Pleasure of Parliament to substitute for the East India Company as efficient for its Purposes as possible, have requested us to lay before your Lordship, and through you before Her Majesty's Government, a few Observations on some Portions of the Bill.

2. Having in Documents which have been presented to Parliament expressed their Sentiments fully on all the general Features of the Subject, the Court refrain from offering any further Arguments on Points upon which the Government and the House of Commons seem to have pronounced a decided Opinion. The joint Government of a Minister and a Council, composed in Majority of Persons of Indian Experience, deriving their Appointments only partially from Ministerial Nomination, and all of them holding Office on a Tenure independent of the Minister, is a Combination which fulfils, to a considerable Extent, the Conditions of a good Organ of Government for India. The Court would have much preferred that in the Constitution of the Council more extensive Recourse had been had to the Elective Principle. But if they cannot hope that this Course will be adopted, they see many Advantages in the Provision by which One Half the Number, instead of being named by the Government, will be selected by a responsible Body, intimately connected with India, to whom the Qualifications of Candidates will in general be accurately known, and who will be under strong Inducements to make such a Choice as will tend to increase the Credit and Consideration of the Body.

3. With regard to the Qualifications prescribed for Members of Council, the Court desire to offer a Suggestion. Her Majesty's present Government have, on many Occasions, expressed a Desire to secure the Crown Appointments against the Evils of Abuse of Patronage. The Security against such Abuse has hitherto consisted in the strict Limitation of the Appointments to Persons who have served a considerable Number of Years in India. While the Court fully agree with Her Majesty's Government in recognizing the Desirableness of of an English Element, it does not seem to them advisable that this Element should extend to nearly Half the Council, only a bare Majority being reserved for Persons of Indian Experience. Knowledge of India is, after all, the most important Requisite for a Seat in the Indian Council; while it is chiefly in the English Nominations that there is any present Danger lest Appointments should be obtained through political or parliamentary Influence; from which Influence, unless introduced through that Channel, the Council, like the Court of Directors, may be expected to be altogether free. The Court, therefore, recommend that the Qualification of Ten Years Indian Service or Residence be made imperative on at least Two Thirds instead of a mere Majority of the Fifteen Members of Council. They also think it questionable if the Interests of India will be promoted by the Exclusion of the whole of the Members of the Council from Seats in Parliament. These are the only Modifications which we are requested to suggest in the Provisions respecting the Composition of the Council.

4. But we lament to see that the Clauses which define its Functions are liable to far greater Objections. From the Sentiments which have been publicly expressed both by your Lordship and by other Members of the Administration, as well as from the Terms of Clause 19, which declare that the Council under the

the Direction of the Secretary of State, is to "conduct the Business transacted "in the United Kingdom in relation to the Government of India and the "Correspondence with India," the Court are persuaded that Her Majesty's Government regard the Council, not as a Body without regular Functions or Duties, whom the Minister is at full Liberty habitually to disregard, but as a substantive Part of the working Organ of Government. It is therefore incumbent on the Court to represent to your Lordship that the Details of the Bill not only do not carry out this Conception, but would appear to be inconsistent with it.

5. It is hardly necessary to remark that the Council cannot "conduct the "Business transacted in the United Kingdom in relation to the Government of "India and the Correspondence with India," unless Provision be made for their meeting regularly at short Intervals to dispose of the Business as it arises. The Bill, however, makes no Provision for any regular or periodical Meetings of the Council, but leaves the Time of convening it, and even the convening it at all, to the entire Discretion of the Secretary of State, saving the Case, necessarily exceptional, of a Requisition in Writing by Five Members, which would impose on the Requisionists the Necessity of appearing to place themselves in a Posture of Opposition to him.

6. By the 16th Clause the Council are denied all Power over the Establishment, beyond the First Appointment to junior Clerkships and inferior Offices, all Promotions being made by the Secretary of State alone, and the Appointment of Secretaries or Assistant Secretaries and Heads of Departments being wholly reserved to him, while the Officers, including those whose Duty it is to prepare Drafts of Despatches, are thus entirely withdrawn from the Control of the Council; the Bill does not even provide that the Drafts, when prepared, shall, as a Matter of Necessity, be considered and discussed in Council. It only provides that they shall, Seven Days before being sent to India, be placed in the Council Room for Inspection by the Members, to afford them an Opporṅity for the invidious Office of recording Objections; and this Power of Dissent from a Measure or a Document already sanctioned by the Minister is the only positive Function which the Bill secures to the Council. It is obvious that the same Comments which, if made in the early Stage of the Proceedings before the Minister has made up his Mind, have the Character of cordial and zealous co-operation, will, if delayed until his Intentions have been declared, assume the Aspect of Opposition or Remonstrance, and are therefore much less likely either to be made at all, or if made, to be of any Efficacy, unless by way of a Protest.

7. The Court submit that the only Mode by which the direct Action of the Minister, and the substantive Existence of the Council as a co-operating Body, can be brought into complete Harmony, would be by enacting that all ordinary Business, and as far as possible all Business, shall be transacted by the Minister in Council. A perfect and most successful Example of this Mode of transacting Business is afforded by the Local Government of India. All Business is, as a matter of course, transacted by the Governor-General or Governor in Council, and, as a General Rule, the Decision is according to the Vote of the Majority. But the Governor-General, or Governor, has the Power of setting aside the Decision, on assuming the formal Responsibility and recording his Reasons. No Inconvenience of any Kind has ever been experienced from this Arrangement; it has never been found either to hamper the Discretion, or in any Degree impair the Responsibility of the Head of the Government. It cannot be doubted that the Minister for India would find the same Advantage from this Principle in superintending the Administration which a Wellesley and a Dalhousie found in conducting it in all its complicated Details.

8. The Court see no Reason for withdrawing from the Deliberation and Knowledge of the Council even such Subjects as are at present disposed of through the Secret Committee. It is their Conviction that the Power of carrying into effect Measures of the highest Importance without the Advice or even the Knowledge of the Court of Directors, has been the Source in Times past of some of the greatest Errors, and of the greatest Calamities which are recorded in our Indian History; and they earnestly recommend that a Barrier be raised against the future Exercise of this dangerous Power, and that since it may be presumed that the Council will possess the Confidence of Her

Majesty's

Majesty's Ministers, the Right and Duty of Advice be vested in the Council on all Subjects of Indian Administration, without excepting, as hitherto, from their Cognizance, some of the most important of all.

9. The Court are of opinion that on all Questions regarding Expenditure, the Council should have more than a consultative Voice; and that these Questions should be an Exception to the Power which the Secretary of State will in all other Cases possess of setting aside their Opinion. The Disposal of the entire Revenues of India by the mere Fiat of a Minister, freed from the Necessity of the Assent of any co-ordinate Authority, would, the Court conceive, be neither consistent with the Principles of the Constitution, nor conducive to the good Administration of the Indian Finances. The propriety of allowing to the Council in this One Department a negative Voice was recognized in One of the Bills introduced into Parliament, and the Omission to include such a Provision in the present Bill is, the Court hope, only the Effect of Inadvertence.

10. The Court think it of great Importance that the Council should be associated with the Minister in deciding on Appointments to the higher as well as the inferior Situations of the Establishment, and on the Position and the Remuneration of the Officers. They deem this important, both for securing the due Influence of the Council over the Establishment, and for promoting the legitimate Interests of the Officers themselves, with whose Merits and Services the Council, being a permanent Body, is likely to possess a more intimate and detailed Acquaintance than will generally be possessed by the Secretary of State.

11. The Court would also suggest that the Vice-President who is to preside over the Council in the Absence of the Secretary of State, should be chosen periodically by the Secretary of State in Council, but not by the Minister alone, it being of importance that this Officer should possess the Confidence of the Council, and should be their Representative with the Minister in the Intervals of their Sittings.

12. There are other Provisions not connected with the Functions of the Council which the Court greatly regret to see transferred from the former into the present Bill. By one of these, forming Clause 29, the Governments in India itself are radically altered in Constitution, and their most characteristic Excellence destroyed. Instead of a Governor-General or Governor and an independent Council, appointed by the Authority to which he is himself responsible, the Government is now to consist of the Governor-General or the Governor, and Advisers selected by himself. The Court have Reason to believe that this Proposal has met with unanimous Reprobation in India, and they would regard its Adoption as One of the most fatal Blows which could be struck against good Government in that Country. The Association of the Head of the Government with Advisers not of his own Choice, but chosen for him by superior Authority, has given to a Government necessarily absolute an Advantage rarely possessed by absolute Governments, and the Absence of which in India would be peculiarly mischievous; that of free, unrestrained, and conscientious Discussion and Deliberation. This Advantage would be entirely sacrificed if the Head of the Government selected his constitutional Advisers. Advisers who will merely echo his own Opinions he can never want; what he is in need of are Advisers who will think for themselves, who by the Collision of Judgments will cause Subjects to be examined in a Variety of Lights; who will correct his Mistakes, complete what is imperfect in his Information, and whose very Errors will be useful by being of a different Kind from his own. Such are not the Colleagues whom, even with the best Intentions, that high Functionary can safely be relied on for selecting. Not to mention that for some Time after his First Arrival he will not be in a Condition to distinguish such Persons, even if he looks out for them.

13. The 48th Clause proposes the Appointment by the Crown of an Auditor of the Home Accounts; a Provision which, if carried into Effect, must materially interfere with the independent Action of the new Government, and the Necessity of which is completely obviated by the existing System both of Pre-audit and Post-audit, which is recognized and apparently approved in the 47th Clause of the Bill, and which System would be greatly weakened by the Introduction of a distinct Auditor, acting under another Authority.

14. The Court regret that it should be contemplated by the 50th Clause to send a Commission to India to inquire and report to Her Majesty on many

important Branches of Indian Administration, passing over the Local Governments. It is impossible that such Persons, however judiciously chosen, should collect in Three Years a Tithe of the Information which already exists so abundantly on the Records of the Home Government, and is daily added to by the Labours of the ablest Functionaries in India, while their Appearance in the Country will be considered as Opening up for Reconsideration all the vital Questions included in "the Collection, Receipt, and Management of the "Revenues," as well as "the Application of such Revenues and public Moneys "in India:" the first, embracing the whole Subject of the landed Tenures and Proprietary and Possessory Rights of the Agricultural Population, the other, the entire Economy of the public Resources whether in relation to Civil or Military Administration, Public Works, the Contraction or Liquidation of Debt, or any other of the multifarious Matters which require to be decided by a Finance Minister. The Court are as desirous as Her Majesty's Government that all practicable and well-devised Improvements should be made in these Branches of Administration, and many such have been and are even now being made. But they are convinced that the proper Mode of making these Improvements is through the Government on the Spot, by whose Instrumentality alone India can be governed or held, and whose Ascendancy it is of the utmost Importance to maintain, by making all Orders and all Benefits which proceed from the supreme Authority flow through them as the intermediate Channel.

15. The Court are also apprehensive that the Effect of Clause 34 may be to remove from the Military College at Addiscombe the Education of Cadets for the Engineers and Artillery. That College has, during a long Course of Years, been most successful in training highly qualified Cadets for the scientific Branches, a Result greatly attributable to the earnest Competition for Engineer and Artillery Appointments which exists within the College among the Cadets appointed to it; and the Court would consider any Change which involved the Transfer of the Education for these Branches from the Military College to private Establishments as being injurious to the Public Service.

16. These are the Observations which, by the Desire of the Court, we take the Liberty of submitting to your Lordship, and we hope to be favoured with a Communication from your Lordship of the Intentions of Ministers on the several Points herein-before adverted to at a sufficiently early Period to admit of their taking any further Measures which may be necessary for bringing their Views before Parliament.

We have the Honour to be, My Lord,
Your Lordship's most obedient humble Servants,

F. Currie.
Wm. J. Eastwick.

The Right Honourable Lord Stanley, M.P.
&c. &c. &c.

EAST INDIA.

LETTER

FROM

The Chairman and Deputy Chairman of the Honourable East India Company to the President of the Board of Control.

(*Presented by Her Majesty's Command.*)

Ordered to be printed 25th June 1858.

RETURN

To an Order of the HOUSE OF LORDS, dated 5th February 1858,

FOR

CORRESPONDENCE between the FIRST LORD OF THE TREASURY and the DIRECTORS of the EAST INDIA COMPANY respecting LEGISLATIVE MEASURES to be proposed for the FUTURE GOVERNMENT of HER MAJESTY'S DOMINIONS in INDIA.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN of the East India Company to the Right Honourable Lord PALMERSTON, K.G.

East India House,
31st December 1857.

MY LORD,

IT has been our duty to communicate to the Court of Directors and to the Court of Proprietors the intimation which your Lordship has made to us of the intention of Her Majesty's Government to propose to Parliament a Bill for the purpose of placing the Government of Her Majesty's East India dominions under the direct authority of the Crown.

The contemplated change involves of necessity the abolition, as an instrument of Government, of the East India Company, the body by whom and at whose sole expense, without any demand on the national exchequer, the British empire in India has been acquired and is maintained; and although the Court of Directors have not been furnished with information as to the grounds on which Her Majesty's Ministers have arrived at their determination, or as to the details of the scheme by which it is proposed to supersede the existing Home Government of India, they nevertheless feel it due to themselves, and to the constituent body which they represent, to lose no time in offering a few observations which immediately suggest themselves, and they are persuaded that a frank expression of their sentiments cannot be otherwise than acceptable to Her Majesty's Ministers in their further consideration of this important subject.

The Court were prepared to expect that a searching inquiry would be instituted into the causes, remote as well as immediate, of the mutiny of the Bengal native army. They have themselves issued instructions to the Government of India to appoint a commission in view to such an inquiry; and it would have been satisfactory to them if it had been proposed to Parliament not only to do the same, but to extend the scope of inquiry to the conduct of the Home Government, for the purpose of ascertaining whether the mutiny could, wholly or partially, be ascribed to mismanagement on the part of the Court, acting under the control of the Board of Commissioners. But it has surprised the Court to hear that Her Majesty's Government, not imputing, so far as the Court are informed, any blame to the home authorities in connexion with the mutiny, and without intending any inquiry by Parliament, or awaiting the result of inquiry by the Local Government, should, even before the mutiny was quelled, and whilst considerable excitement prevailed throughout India, determine to propose the immediate supersession of the authority of the East India Company, who are entitled at least to the credit of having so administered the Government of India, that the heads of all the native states, and the mass of the population, amidst the excitement of a mutinous soldiery, inflamed by unfounded apprehensions of danger to their religion, have remained true to the Company's rule.

The Court would fail in their duty to your Lordship and to the country, if they did not express their serious apprehension that so important a change will be misunderstood by the people of India. The Court are by no means insensible to the value attached to the name of the Crown, but the Company are

already

already trustees for the Crown, and the announcement of a great change in the system of government which has existed from the first moment of our possession of India is calculated to excite alarm, the more especially if inaugurated at a time when the Government on the spot finds it difficult to give free action to the retributive justice so eminently due to the guilty, without endangering the innocent, and also when public opinion in this country has been so excited as to press for the abandonment of the policy which the Company have strictly observed of abstaining from all authoritative interference with such of the religious customs and prejudices of the natives as are not abhorrent to humanity.

The Court submit, that, if any such change as that which your Lordship has indicated be thought desirable, it should be introduced in a time of tranquillity, when the circumstances of India and its population could be regarded without prejudice and with calm and deliberate consideration, and when it would not, in the minds of the natives, be directly connected with the recent calamitous events.

In approaching the question of the necessity for making a change, we are requested to state, that the Court would most gladly co-operate with Her Majesty's Government in introducing any reforms into the existing system which might tend to greater simplification and promptitude, with equal security. The Court have always shown themselves ready to acquiesce in any changes which were deemed likely to prove conducive to the general welfare, although such changes may have involved important sacrifices to themselves; they need only refer to their partial relinquishment of trade in 1813, to its total abandonment, and the placing of the Company's Commercial Charter in abeyance in 1833; to the transfer then to India of all their large commercial assets, and of their undoubted territorial claims and possessions; and more lately, to their concurrence in the measure by which their body was reconstituted, and reduced to its present number. Although four years have not elapsed since the last change, yet the Court, animated by the same anxiety for the welfare of India, would be prepared without a murmur to relinquish their trust altogether if satisfied that a system could be devised better calculated than the present to advance the interests of the British empire there. They would, however, remark, that in the inquiry which took place in 1852 and 1853, before the legislation of the latter year, the question of the constitution and working of the Home Government was thoroughly sifted, and completely exhausted, and that, therefore, it was not unreasonable to expect that the arrangement of 1853 would have been subjected to the test of a more lengthened experience. The details of the measure which Her Majesty's Government have in contemplation have not yet been made known to the Court. They trust that it will not be attempted to administer the Government by means of a single functionary; such a proposal would, in their judgment, involve a practical impossibility; the mass of business perpetually arising requires much knowledge, long experience, and a division of labour, and, so far as the Court can form an opinion, the duties would not be safely discharged if subject only to the check of Parliament.

The Court are aware that the double government of the Company and the Board of Control is deemed to be objectionable; but whatever may be its defects, and although its working may be clogged by a control of all the details so minute as hardly to have been contemplated by the Legislature, yet in its results they sincerely believe that the system, possessing as it does a moral check, works, on the whole, advantageously for India. The Court do not deny that the system is susceptible of improvement, but they think it important to bear in mind that there can be no effective check without a second authority of some kind; and further, that the objection which is taken to the principle of double government is more nominal than real in the case of the Company, whose duties are rather those of a deliberate than of an executive body.

It is the opinion of the Court that an intermediate, non-political, and perfectly independent body, in concurrence with Her Majesty's Government, is an indispensable necessity, without which there can be no adequate security for good government; and, as at present advised, the Court do not see that it will be possible to form such a body, if its members are to be wholly nominated by the Crown. They abstain, however, from offering any further observations to your Lordship until they are placed in possession of the details of the proposed measure, which they trust may be communicated to them at the earliest possible period.

We have the honour to be,
My Lord,
Your Lordship's most obedient humble Servants,
(Signed) Ross D. Mangles.
F. Currie.

The Right Hon. Viscount Palmerston, K.G.
&c. &c. &c.

Letter from the Right Honourable Lord Palmerston to the Chairman and Deputy Chairman of the East India Company.

Gentlemen, 94, Piccadilly, 18th January 1858.

I have had the honour of receiving your joint letter of the 31st of December, upon the subject of the measure which it is the intention of Her Majesty's Government to propose to Parliament with reference to the future system to be established for the government of India, and I beg to assure you that the observations and opinions which you have therein expressed will be duly considered by Her Majesty's Government.

I forbear from entering at present into any examination of those observations and opinions, first, because any correspondence with you on such matters would be most conveniently carried on through the usual official channel of the President of the India Board; and secondly, because the grounds on which the intentions of Her Majesty's Government have been formed, and the detailed arrangements of the measure which they mean to propose, will best be explained when that measure shall be submitted to the consideration of Parliament.

I have the honour to be,
Gentlemen,
Your obedient Servant,
(Signed) Palmerston.

R. D. Mangles, Esq.
Sir Frederic Currie,
&c. &c.

True copies,
J. S. MILL,
Examiner of India Correspondence.

East India House,
9th February 1858.

RETURN

To an Order of the HOUSE OF LORDS, dated
5th February 1858,

FOR

CORRESPONDENCE between the FIRST LORD OF THE TREASURY and the DIRECTORS of the EAST INDIA COMPANY respecting LEGISLATIVE MEASURES to be proposed for the FUTURE GOVERNMENT of HER MAJESTY'S DOMINIONS in INDIA.

(*The Lord Monteagle of Brandon.*)

Ordered to be printed 22d February 1858.

GOVERNMENT OF INDIA BILL.

RETURN to an Order of the Honourable The House of Commons,
dated 7 July 1853;—*for*,

COPIES "of any further CORRESPONDENCE between the Court of Directors of the East India Company and the President of the Board of Control, respecting the BILL for the future Government of *India*."

East India House,
11 July 1853.

JAMES C. MELVILL.

Ordered, by The House of Commons, *to be Printed*, 12 *July* 1853.

FURTHER CORRESPONDENCE

— I. —

LETTER from the Chairman and Deputy Chairman of the East India Company to the President of the Board of Control.

I.
Letter from Chairman and Deputy Chairman to President of the Board of Control, 1 July 1853.

Sir, East India House, 1 July 1853.

1. IN accordance with the intimation conveyed to you in our letter dated the 2d ultimo, and in furtherance of the resolution of the General Court of Proprietors, of which we, on the 22d ultimo, transmitted to you a copy, we are requested by the Court of Directors to submit the following observations regarding some parts of the plan for the future government of India, which appear to them to be liable to serious objection.

2. To treat, in the first instance, of the Home Government. You are already aware of the decided opinion of the Court of Directors that the changes affecting the constitution of their body are neither necessary nor expedient. We will now briefly explain the main grounds of this opinion, premising that the principle of the pending measure being the continuance of the government of India in the East India Company, the details should be framed in view to increasing rather than diminishing the efficiency and independence of its executive.

3. Her Majesty's Ministers have admitted the constant attention paid by the Court of Directors to the interests and progressive improvement of India, and have expressed their desire to preserve the independence of that body. Throughout the lengthened inquiry which has taken place, no evidence has been adduced to show a necessity for the change now proposed to be made in the constitution of the Court. On the contrary, the Committees of Parliament, in closing their inquiries under the head of "Government," did not hesitate to call attention in the Report of the Lords' Committee, to "the general tendency of the evidence as favourable to the present system;" and in that of the Commons "to the favourable tenor of the evidence with respect to the operation of the Act of the 3 & 4 Wm. 4, cap. 85, so far as it regards the administration of the government of India by the East India Company, as trustees under the control of the Crown."

4. The

4. The Court submit that the changes now in contemplation are inconsistent with the opinions expressed, as well by the Committees of Parliament as by yourself on behalf of Her Majesty's Ministers. These changes are, first, the introduction into the Court of a certain number of Directors nominated by the Crown; and secondly, the reduction of the total number of Directors, including the nominees, to 18.

5. The proposed principle of nomination does not seem to us to admit of partial application, without danger of either dividing the Court into two sections, with conflicting views and feelings, or producing the still greater evil of habitual subservience in the Court to the will of the Minister, exercised through his nominees. In this point of view we earnestly deprecate the distinction sought to be made between selection and election in the choice of Directors.

6. But if it could be admitted to be desirable to entertain a proposal for such a class distinction, the Court submit that the choice of the selected members should not be vested in the Crown. You have well expressed the anxiety of Her Majesty's Government to "preserve unimpaired the freedom of the Court from all undue political influence, on which" you justly "believe that its efficiency for executing the high trust reposed in it so essentially depends;" and yet the plan of Government contemplates the selection of Directors by the Crown, with no other specific qualification than that of having passed some years, at however remote a period, in the public service in India. There must always exist a sympathy between the nominee and the authority by which he is nominated, and as it frequently happens that persons, after return to England from Indian service, form political connexions and obtain Parliamentary position and influence, the Court entertain the strongest apprehension that the principle of nomination by the Crown must tend to a very intimate relation between the nominees and the Ministry, which cannot fail seriously to impair the independence of the body to which they will belong, and to introduce for the first time the influence of political party into the local administration in India. This apprehension is strengthened by the consideration that it is proposed to allow the nominees to sit in Parliament, and also to subject the tenure of their seats in the Direction to the will of the Crown periodically exercised.

7. It would, in the opinion of the Court, be far safer, and be more consistent with the independence and efficiency of the body, if the duty of selecting the nominees were entrusted to the Court of Directors, subject to the approbation of the Board of Commissioners; but this suggestion is offered merely as an alternative to nomination by Her Majesty's Government. The Court of Directors are of opinion that the system of nomination is in itself objectionable, and that the system of election is that which should be exclusively maintained. Any difficulties arising from the canvass of the constituency might, we believe, be materially mitigated, and a plan devised for limiting the candidates to such as might be previously approved by the Court and the Board. Thus, the great object of securing the services only of persons who are admitted to be well qualified, might be accomplished, without interfering either with the constitution of the Court or the principle of election.

8. With respect to the plan for reducing the number of Directors, we must first observe, that, as affecting the independence of the Court, the reduction proposed is not from 24 to 18, but from 24 to 12, the other six being nominees of the Crown.

9. It is important to remind you, that in 1833 a proposal was made to reduce the number of Directors, upon the plea of the diminution of business caused by the discontinuance of the Company's trade. This proposal was relinquished in deference to the opinion which was then entertained, that a reduction of number was calculated to interfere with the independence of the Court, and also upon the ground that it was necessary to retain a sufficient number of Directors to constitute the committees, through whose agency the details of the business were conducted.

10. We would suggest for your consideration, that the reasons which led to the abandonment of the proposal in 1833, are in greater force now. The duties devolving upon the Court have increased in extent and importance, and are much larger than they ever were, even in the days of the Company's trade.

The division of the Court into committees continues, and it is only through such an arrangement that the supervision and control by the Home authorities of the acts and proceedings of the Indian Government can be efficiently exercised.

11. Taking into consideration the magnitude of the British empire in India, the varied circumstances of its vast population, the extent and number of the Native States embraced within the area of the government of the paramount power, or bordering on its frontier; the extent, and in many respects, the different character of the native armies of the three Presidencies; having reference moreover to the variety of revenue systems which obtain in India, and to the large operations of finance as connected with the Government at home and abroad, which require to be undertaken from time to time; and adverting to the fact that the duties of the Court are continuously performed, from day to day, throughout the whole year, without any vacation, it must, we believe, be apparent that to secure the presence in the Court of Directors of the requisite personal knowledge and experience on all affairs relating to this, the largest and most important of the British possessions, the present number of Directors is necessary.

12. We earnestly trust that this part of the plan will be reconsidered by Her Majesty's Ministers, and that the number may be continued at 24.

13. The Court of Directors will not descend to any ground of argument having reference to personal considerations. They content themselves with expressing their persuasion that Her Majesty's Ministers would be glad, if the plan could be so modified as to obviate or mitigate the painful necessity which the present Bill would impose upon the members of the Court, of themselves being made the instrument for severing the connexion which has hitherto bound them together.

14. Referring to that part of the plan which relates to appointments to the civil service of India, we think it right to point out to you, that by making an appointment dependent exclusively on a candidate's own efforts instead of on nomination if found qualified, the proposed change may have an injurious effect on the feelings and subordination of the Company's servants. Without attempting to controvert the obvious advantage of competition as a general principle, we must be permitted to doubt whether the proposed system will work satisfactorily. Our apprehension is, that practically the plan will fail. In support of this apprehension, we would point to the difficulty of so constituting a Board of Examiners, and of framing such rules of examination as shall insure success to the really best qualified, and not to the most favoured, or to those who have merely "crammed" for the examination; and we would also remark, that book knowledge only will be tested by such an examination, while this is far from being the only qualification required for entrance into the civil service.

15. But, admitting that the principle of competition were adopted, the Court would suggest the expediency of introducing the change gradually, as it is only experience which can show whether it will tend to the great object of improving the qualifications of our servants, or whether, without accomplishing that object, it may not result in practically giving the nomination to the examiners.

16. The Court observe, that it is intended to vest in the Board the sole power, not only of appointing examiners, but also of framing the regulations under which they are to act. So long as the nominations remain with the Court, there is an obvious propriety in committing exclusively to the Board the power of regulating the examinations; but if the nominations are to be placed beyond the influence of the Court, we submit that the regulations should be framed by them, subject to the Board's control.

17. The arrangements as respects the military seminary will, we trust, be revised. We cannot understand upon what ground it can be wished to disturb a system which, in the opinion of all competent authorities, so fully accomplishes every object that can be desired for the public service, a result, moreover, attributable to competition within the institution.

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18. With respect to the changes proposed in the Indian department of the Government, there are some points to which the Court feel it necessary to call your attention.

19. Sections 15 to 18 of the Bill relate to the eventual creation of a new Presidency in India, and provide for the government of Agra, of Bengal, and of the territory that it may be proposed to form into such new Presidency, being conducted by a Lieutenant-governor until the new Presidency shall be formed; but the Court think that it is now established, that the preferable form of government for the portion of any substantive presidency which may not have its separate army and separate civil service, is that of Lieutenant-governor, whose authority shall be defined by the Governor-general in Council, and be subject to modification as circumstances may suggest. We would especially bring to notice that the sections, as at present drafted, make no provision for the retention, in the hands of the Governor-general in Council, of the management of the army of Bengal, and of the local administration of the presidency town, with its institutions. The Court suggest that the Bill should contain a clause permitting the Governor-general in Council to make such arrangements.

20. The enlargement of the Legislative Council in India is greater and more expensive than the Court would deem necessary. They admit the expediency of some enlargement, but the addition of seven paid members seems to be excessive. One from each of the establishments of Bengal, Madras, and Bombay, with one selected by the Governor-general, would, in the Court's opinion, be ample; and the persons so selected, with the ex-officio members proposed by the Bill, would constitute a Council sufficient to legislate for India. The Court also think, that the Council so constituted, if it be permanent, would be the best tribunal to judge of the measures proposed by the Law Commission since 1834, and that they would have ample time for the purpose; and thus the expense of a separate Commission in England might be avoided. But the Court would suggest, that if the enlarged Legislative Council thus created were to hold periodical sessions, the temporary detachment of members from the other Presidencies would be productive of less inconvenience from the withdrawing of their services from administrative duties, while it would very materially reduce the expense.

21. The Court observe, that the new arrangement is to be continued, "during the pleasure of Parliament," though, under the Act of 1834, the pecuniary interests of the Company as a corporation will continue to be identified with the financial prosperity of India until 1874.

22. The Court will be glad to be favoured, at as early a period as possible, with the sentiments of Her Majesty's Government upon the points embraced in this letter, in order that they may consider the expediency of presenting a petition to the House of Commons, and of further consulting the General Court, whose concurrence, as you are aware, is necessary in any arrangement for the future government of India through the East India Company and their executive.

We have, &c.

(signed) *Russell Ellice.*
J. Oliphant.

The Right Hon.
Sir Charles Wood, Bart, M.P.
&c. &c. &c.

— II. —

LETTER from the President of the Board of Control to the Chairman and Deputy Chairman of the East India Company.

II.
Letter from the President of the Board of Control to the Chairman and Deputy Chairman, 5 July 1853.

Gentlemen, India Board, 5 July 1853.

I HAVE had the honour of receiving your letter of the 1st instant, transmitting to me the observations of the Court of Directors of the East India Company, on the proposed plan of Her Majesty's Government for the future administration of India; and, in compliance with your request, I lose no time in replying to your communication.

It was perhaps to be expected, that the General Court of Proprietors and the Court of Directors, should deprecate any change in their constitution and powers and privileges; but I regret to find such strong objections stated on their part to almost every part of our proposals. It, of course, depends upon the wisdom of Parliament what shape the Bill shall ultimately assume; but it is obvious that the Government would not have properly performed its duty if it had proposed the Bill in any other shape than that which it believed to be best calculated to ensure the good government of India.

They had hoped for a greater concurrence of opinion from the Court of Directors; but your letter renders it incumbent upon me to convey to you not only the reasons for the particular changes to which you have stated objections, but also the general views of Her Majesty's Government on the subject of the future administration of Indian affairs.

I may, in the first place, be permitted to remind you of the totally altered position in which the East India Company now stands from that which it has occupied on every former occasion of legislating for the Government of India. Then, they were a company engaged in large commercial concerns, and possessing a large commercial capital in India and elsewhere. Now, their commercial character has ceased, their commercial concerns are substantially closed, the dividends of their stock are indeed secured on the Indian territorial revenue; but beyond this, they have no necessary connexion whatever with India. It may be advisable, that as the instruments of the past government of India, they should again be made available for its future administration, but they have no claim to be continued, except in so far and in such shape as may be conducive to the good government of our Indian territories.

On the other hand, it is obvious, that the attention of Parliament is likely to be more and more called from year to year to Indian affairs. The circumstances of the more rapid and increased communication with India, and the greater number of Europeans visiting that country, are alone quite sufficient to produce this result: and it must be expected that the administration of India will occupy a larger portion of the time and consideration of Parliament.

To Parliament, however, it is not the Court of Directors, but Her Majesty's Ministers, who are responsible for all that is done in regard to India, and with this practical increase of responsibility, a corresponding increase of power becomes necessary, especially in the selection of the persons by whom that administration is to be carried on, of which the ultimate responsibility rests on themselves.

It has indeed, as you must be aware, been strongly urged by many persons, that the present anomalous form of Home Government should be entirely abolished, and that for it should be substituted a simpler form, more in accordance with that which exists as to all the other dependencies of the Crown, and that with the avowed responsibility, the action of the responsible Minister of the Crown should be made more direct and immediate.

It is only right to look forward to the possibility of such a course being adopted at some future time, and it would have been unwise in Her Majesty's Ministers not to have borne in mind this contingency in the measures which they have now proposed to Parliament.

In their opinion, whatever may be the case hereafter, the time is not come for any such extensive change, and they have deemed it advisable to maintain the Court of Directors as an independent body, and an integral part of the Government of India.

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Her Majesty's Government have freely admitted the progress which has been made in India during the last 20 years. They concur in the opinion which has been expressed by the Committees of the Houses of Parliament as to the favourable tenor of the evidence with respect to Indian administration in recent years; and without entering into any question as to the share which the Home or the Indian portion of the Government may have had in what has been done, I have felt it to be my duty to defend the Government of India against the exaggerated charges which have been brought against it.

It is entirely in accordance with these views that Her Majesty's Ministers have thought it advisable to preserve the present form of Government.

It does not, however, appear to them, that any view entertained by the Committees of the two Houses favourable to the general character of the Indian Government, or any opinion which has been expressed by myself or any one of my colleagues, implied that it was incapable of improvement. And whilst we preserve the essential elements of the present form of Government, we should not have done our duty if we had neglected this opportunity of introducing such changes into the constitution of the Court, as well as into other parts of the Indian Government, as, we believe, will render it more competent to conduct with advantage the administration of Indian affairs.

I will now proceed to state to you, as concisely as I can, the reasons for the main changes to which the Court of Directors has objected.

The two first points are, the reduction in the number of Directors, and the introduction of persons nominated by the Crown.

In regard to the first point, I would remind you, that both in 1813 and in 1833, it was the opinion of the ablest statesmen that the number might be advantageously reduced to 12. In the dissent of Mr. Tucker, one of the ablest of the then Directors, he stated his opinion that 16 Directors might well conduct the territorial business. It is true, that in 1833 the number of the Court was left at 24, but at that time the commercial concerns of the Company had to be wound up, which operation has now been entirely accomplished.

Considering the Court of Directors in the only light in which it can now be viewed, that of an Executive Council of Government, Her Majesty's Government have been surprised at learning that any person should recommend so large a body as 24: whilst, judging from all experience in other similar cases, a much smaller body would be more likely to perform, satisfactorily, the duties intrusted to it. In retaining so large a number as 18, Her Majesty's Government were actuated more by a regard to the number at present existing than to that really required for the performance of the duty.

They were not unmindful either of the consideration to which you refer—of the independence of the Court—but they entertain too high an opinion of the gentlemen whom they trust to see in the Direction, to believe that, even in much smaller numbers, they would forfeit that character of honourable independence which has always distinguished the Court of Directors.

In regard to the second point, Her Majesty's Government consider it to be conceded on all hands, that some measure should be adopted for introducing more readily into the Court that class of Indian servants who have, according to the almost uniform tenor of the evidence, been very generally excluded by the necessity of a long, and, in some cases, an expensive canvass.

It is very doubtful whether any change can be introduced which will effectually remedy the evils of the canvass; and the introduction of one-third of the members of the Court by nomination of the Crown from Indian servants of a certain standing, was adopted after much consideration, as the mode most likely to ensure the best selection of the individuals, as well as their independence in the Court.

If they were to be selected by the Court itself, beyond the obvious objection to all self-elected bodies, the persons so chosen could hardly avoid feeling themselves dependent upon the majority of their colleagues to whom they owed their seats. It is clear, that any person, however high his qualification for the office might be, who happened to be disagreeable to a bare majority of the Court, could never obtain a seat in the Direction; and if party spirit happened, as in some former times, to run high in the Court, the majority of the day would be able to perpetuate their own power, and overwhelm their opponents by introducing only their own partisans.

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It seemed to Her Majesty's Government, therefore, that this mode of selection would necessarily affect the independence of the individuals selected, and might produce an effect upon the Court itself most prejudicial to its usefulness and power.

Nor do they see that the nomination by the Crown is open to the objections stated in your letter. It must be exercised by persons responsible to Parliament and to public opinion for the exercise of their discretion. It is limited to persons having served 10 years in India, who have been very much removed from the influence of the party politics of this country. With the increased responsibility of Ministers for Indian affairs, it is our conviction that they would have no interest so strong as that of selecting the ablest men amongst the persons experienced in Indian affairs.

If the whole body were nominated at once by the Crown, as was proposed by Mr. Wynn in 1833, or even a third of the Court, as now proposed, and permanently, it might create an undue influence in the hands of that political party in the state which made the nomination; but with the opportunity of changing one-third of the number of nominated members every two years, if their conduct should be open to the charge of being actuated by party spirit, it is certain, considering the frequent change of Ministers in this country, that any political party capable of taking the Government would be able to prevent an undue preponderance of power in the hands of its opponents.

The condition of the nominated members has been assimilated in all respects to that of those who are to be elected, and Her Majesty's Government feel the most perfect confidence that their high feeling of duty, their habitual regard for the welfare of India, and the habits of daily intercourse with their elected colleagues, will effectually prevent the nominated members of the Court from either being dependent on the Government, or forming a separate party in the Court.

Her Majesty's Government are not unaware of the personal sacrifices which some of the Directors may be called upon to make, especially in performing the painful duty of selecting those who, according to the proposed scheme, are to form the future Court. That mode was adopted as the one most likely to ensure the best selection of the future Directors. Her Majesty's Government still believe it to be a better mode than other alternatives which have been suggested, the most obvious one being, that the General Court of Proprietors should elect the 15 or 12 Directors who are to remain.

I will only say with regard to your observations on the proposed system of entry by competition at Haileybury and Addiscombe, that Her Majesty's Government is perfectly aware that other qualifications are required beyond mere book learning for both the civil and the military services in India; but they are not aware that there will be any greater difficulty in ensuring the presence of those qualifications under the proposed, than under the present system. Nor do they understand how the nomination can be said to be vested in the examiners in any other sense than that the selection of the best-qualified candidates is necessarily to be made by them, as is that of the candidates for the highest honours at our universities.

In respect to your observations as to the power to erect Presidencies in India, I will only observe that we have not acted as in 1833, in positively creating a new Presidency, but have merely taken the power to do so.

We are well satisfied with the administration of affairs by the Lieutenant-governor of the North Western Provinces; but in so vast an empire as India, it is impossible to foresee what changes may occur, and with an indefinite period for the continuance of the Act, Her Majesty's Ministers thought it wise to provide the power of making any arrangement which future experience and further knowledge might render advisable.

The Commission for the purpose of revising the drafts of laws and incomplete projects of the Law Commission, is proposed only as a temporary measure for this sole purpose. We have the advantage of the presence in this country of many of the gentlemen who took the most active part in that Commission, and it is not intended that it should cause any material expense, nor is it possible that this indispensable work could be either so well or so cheaply accomplished in any other manner. There are, besides the arrangement of the incomplete projects of the late Law Commission, many reforms in the Indian Regulations, which will require no inconsiderable degree of attention; and beyond what may be attained by the temporary labours of this Commission, Her Majesty's Government believe that there will be still very much labour required, and much to do in revising and consolidating the laws and regulations in India.

It is with a view to this object, as well as to the current business of legislation, that instead of proposing a separate Law Commission in India, they have proposed an enlargement of the Legislative Council, and they rely upon the exertions of the legislative councillor, and the unofficial members of the Council, to perform this most important and necessary duty. They are impressed with the belief that the presence of members from different parts of India, acquainted with the various habits and native laws and customs of the widely-differing regions of that country, is quite essential for this purpose; and they believe also, that in this duty they will find full and adequate employment.

I observe that you have stated the extra number of paid members at seven. There is no reason why so many should be appointed, unless there is an actual necessity for it. The Bill provides for the appointment of one member from each Presidency and Lieutenant-governorship. At present, therefore, there would be one for Bengal, Madras, Bombay, and the North Western Provinces, but there would be no absolute necessity in Bengal for appointing a person without other employment, where a civil servant resident at Calcutta, already in the enjoyment of a salary, might be named. In this case, there would be only three paid councillors, and if the fifth province is created, the number of legislative councillors receiving salaries, merely as such, would only be raised to four.

A power is taken to appoint two others if the Governor-general should find the numbers inadequate for the work; but this can only be done with the sanction of the Home Government. Her Majesty's Government, however, consider the due performance of the duties of the Legislative Council, and its being filled by competent persons, to be of such paramount importance, that no consideration of saving a few thousand pounds ought to intefere with obtaining the services of a sufficient number of competent persons.

Her Majesty's Government trust that this explanation of the views by which they have been actuated in framing the proposals for the future government of India, will tend to remove the objections stated by the Court of Directors. They have been, and still continue, most sincerely anxious that the government of India should be carried on with the willing co-operation of the Court, and of all the persons taking a part, be it greater or less, in the administration of Indian affairs, and they rely on the sense of public duty, by which they are confident that every Director will be actuated, to prevent any inconvenience arising from any partial or temporary difference of opinion.

But Her Majesty's Government would have been alike forgetful of their duty and of the mighty interests in this country and in India, for the present and future welfare of which they are responsible, if they allowed themselves to be deterred by any considerations from the course which they believe to be the best calculated to ensure the good government of our Indian empire.

I have &c.
(signed) *Charles Wood.*

Russell Ellice, Esq.
Major Oliphant.

GOVERNMENT OF INDIA BILL.

COPIES of further CORRESPONDENCE between the Court of Directors of the East India Company and the President of the Board of Control, respecting the BILL for the future Government of *India*.

(*Mr. Hume.*)

Ordered, by The House of Commons, *to be Printed,*
12 *July* 1853.

741.

Under 2 oz.

EAST INDIES.

RETURN

To an Order of the House of Lords, dated 13th June 1853,

CALLING FOR

Copies of Correspondence between the President of the Board of Control and the Court of Directors on the Subject of the Measure to be proposed for the future Government of India.

East India House, 15th June 1853. JAMES C. MELVILL.

Ordered to be printed 16th June 1853.

CORRESPONDENCE.

I.

I.
Letter from Chairman and Deputy Chairman to President of the Board of Control, 30th March 1853.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN of the EAST INDIA COMPANY to the PRESIDENT of the BOARD OF CONTROL.

Sir, East India House, 30th March 1853.

REFERRING to the Period fixed by Law for the Continuance of the Government of the British Territories in India under the East India Company, and referring also to the Statement made in Parliament of the Intention of Her Majesty's Ministers to propose this Session a Legislative Arrangement for the future Government of India, which, although embracing Modifications both in this Country and in India, will be founded on the System now existing, we are requested by the Court of Directors to express to you their anxious Desire to receive as early a Communication as possible of the Modifications which it may be intended to propose.

We beg to add, on behalf of the Court of Directors, and we may confidently say on behalf also of the Court of Proprietors, that any Changes calculated to strengthen and invigorate the existing System, and effectually to adapt it to the Requirements of the People of India, and to the Development of the Resources of that Country, cannot fail to secure the cordial Concurrence of the East India Company.

We have, &c.
(Signed) J. W. HOGG.
RUSSELL ELLICE.

The Right Honourable
Sir Charles Wood, Bart., M.P.
&c. &c. &c.

II.

II.
Letter from the President of the Board of Control to the Chairman and Deputy Chairman, 9th April 1853.

LETTER from the PRESIDENT of the BOARD OF CONTROL to the CHAIRMAN and DEPUTY CHAIRMAN of the EAST INDIA COMPANY.

Gentlemen, India Board, 9th April 1853.

I HAVE the Honour of acknowledging the Receipt of the Letter which you addressed to me on the 30th ultimo, by the Desire of the Court of Directors, requesting as early a Communication as possible of the Modifications which it may be the Intention of Her Majesty's Ministers to propose in the Bill which it is intended to submit to Parliament in the Course of the present Session, for the Arrangement of the future Government of India, and assuring me of the cordial Concurrence of the Court of Directors and of the East India Company in any Changes calculated to invigorate the existing System, and to adapt it to the Requirements of the People and the Development of the Resources of India.

It is with the greatest Satisfaction that I have received this Assurance of the cordial Co-operation of the Court of Directors and of the East India Company in the Promotion of the good Government of our vast Empire in India, which must be the great Object of our common Exertions; and I can assure them that it will be my anxious Desire to meet their very natural Wish for an early Communication of the Intentions of Her Majesty's Government on this Subject, as soon as it is consistent with my public Duty to afford them this Information.

I have, &c.
(Signed) CHARLES WOOD.

Sir John Hogg, Bart., M.P.
Russell Ellice, Esq.

III.
Letter from the President of the Board of Control to the Chairman and Deputy Chairman, 1st June 1853.

III.

LETTER from the PRESIDENT of the BOARD OF CONTROL to the CHAIRMAN and DEPUTY CHAIRMAN of the EAST INDIA COMPANY.

Gentlemen, India Board, 1st June 1853.

I HAVE the Honour of enclosing a Memorandum of the Heads of the Arrangement for the Government of India which it appears to Her Majesty's Government, after full and anxious Deliberation, that it would be advisable to adopt, proposing for the Consideration of Parliament such Parts of the Plan as require Legislative Sanction in this Country.

The Memorandum embraces also Suggestions for Improvements in the Constitution of the Courts of Justice, and in some other Matters of less Importance.

We are fully sensible of the Progress that has been made in India during the Administration of the Government of that Country by the East India Company, since the passing of the Act of 1833, and of the constant Attention which has been paid to this Subject by the Court of Directors.

Whilst we are of opinion that by some Alteration in the Constitution of the Court of Directors it may be rendered a still more fitting Instrument for conducting the Government of our Indian Empire, we are most anxious to preserve unimpaired the Independence of that Body, and its Freedom from all undue political Influence, on which we believe that its Efficiency for executing the high Trust reposed in it so essentially depends.

We do not propose any fixed Term for the Duration of this Form of Government, as we think it advisable that it should be open at any Time to the Consideration and Revision of Parliament.

We trust that the Changes which we propose in the Mode of Admission and in the Examination of Candidates for Civil Appointments, and for the Scientific Branches of the Indian Army, will tend to raise still further the Character of both those Services.

The Two most important Changes in India are the Enlargement of the Legislative Council, and an improved Constitution of the highest Courts of Judicature in all the Presidencies, from which we anticipate considerable Improvement, not only in the Legislation of India, but also in the Modes of Proceeding and in the Administration of Justice in the Courts of that Country.

It is unnecessary for me to advert more in detail to the various Points embraced in the Proposals which I have the Honour to enclose, but I shall be very happy upon any of them to afford you further Explanations of the Views of Her Majesty's Government.

We trust that the Court of Directors will believe that our single Object has been to devise the Means which are, in our Judgment, the best calculated to promote the good Government of India, and the Welfare of its Inhabitants; and that they will concur with us in the Opinion, that these paramount Objects have been carefully kept in view in these Proposals.

We feel perfectly confident that if the Court should think that the public Interests of this Country and of India will be benefited by the Adoption of this Scheme, the personal Sacrifices which individual Directors may be called upon to make in order to carry it into effect will be cheerfully submitted to.

If, indeed, we could have entertained a Doubt of the Spirit by which we are convinced that they will be actuated, it would have been entirely removed by the Expression of their Feeling contained in your Letter of the 30th of March.

I have the Honour to be, Gentlemen,
Your obedient Servant,
(Signed) CHARLES WOOD.

Russell Ellice, Esq.
Major Oliphant.

MEMO

MEMORANDUM.

(Enclosure.) Memorandum.

HEADS of the PROPOSED PLAN for the FUTURE GOVERNMENT of INDIA.

1. The Government of India to be continued in the East India Company with all their existing Powers and Privileges, and subject to existing Restrictions, until Parliament shall otherwise provide.

2. All the Provisions of existing Acts and Charters, except in so far as they are altered by the Bill, to remain in force.

3. The Court of Directors to consist of Eighteen Members, of whom Twelve are to be elected by the Proprietors, and Six to be named by the Crown out of Persons who have served a certain Time in India. In the first instance Fifteen out of the present Thirty Directors to be chosen by the Court, and Three only to be named by the Crown; and on the Occurrence of the Three first Vacancies in the Number of the elected Directors, Three more to be named by the Crown till the full Number of Six is attained.

4. The Privileges, Qualifications, and Powers of all the Directors to be the same in all respects.

5. One Third Part of the Directors both elected and nominated to go out every Second Year, but to be eligible for immediate Re-election or Nomination.

6. The Appointments of Students to Haileybury and Addiscombe, and also of Assistant Surgeons, to be open to Competition under Regulations to be framed by the Board of Control from Time to Time, and laid before Parliament. No Alteration to be made as to other Appointments to the Indian Service.

7. A permanent Lieutenant Governor to be appointed in Bengal.

8. Power to create a fresh Presidency or Lieutenant Governorship.

9. The Nomination of Members of Council in India to be subject to the Approbation of the Crown.

10. An enlarged Legislative Council to be appointed in India. The Governor General to have a Veto on the Acts of the Legislative Council.

11. A temporary Commission to be appointed in England, to whom the Reports of the Law Commission of India shall be referred, for their Report and Suggestions, to be ultimately sent to the Legislative Council.

12. Supreme Court and Sudder Court in each Presidency to be united, and an improved System of Judicature to be introduced.

13. Appointment of Advocate General in each Presidency to be subject to the Approbation of the Crown.

14. The Commander-in Chief of the Queen's Forces in each Presidency to be Commander-in-Chief of the Company's Forces.

15. Present Limit on the Number of the Company's European Forces to be enlarged.

16. Salaries in India to be regulated.

17. Furlough Regulations to be amended.

IV.

IV. Letter from the Chairman and Deputy Chairman of the East India Company to the President of the Board of Control, 2d June 1853.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN of the EAST INDIA COMPANY to the PRESIDENT of the BOARD OF CONTROL.

Sir, East India House, 2d June 1853.

WE had the Honour to receive last Evening your Letter dated the 1st instant, with a Memorandum of the Heads of the Arrangement for the future Government of India, which it appears to Her Majesty's Ministers that it would be advisable to adopt.

This important Communication was immediately laid before the Court of Directors, and has undergone much Discussion.

The Court having always been of opinion that the Presence in the Administration of Indian Affairs of a Body independent of political Party, and exclusively devoted to the Discharge of the Duties intrusted to it, is essential to the good Government of India, it cannot but be satisfactory to them to observe that Her Majesty's Ministers have determined to propose to Parliament to continue the Government of India in the East India Company.

The Court have not been inattentive Observers of the many Attacks recently made upon the Company and their System of Government, but they have been content to leave their Defence to the Development of Facts, which they well knew would conclusively show that the Period since 1834 has been one of great Progress in India, that Revenue (independently of that from new Acquisitions) and Trade have both largely increased, that public Works of

Magnitude and Utility have been undertaken, and only checked by the Occurrence of War, and even then most reluctantly checked by the local Authorities; and further, that there has been Progress also in the Condition of the People, and in their intellectual Improvement.

The Court experience much Gratification from the Assurance conveyed in your Letter, that Her Majesty's Ministers are prepared to do Justice to the Company in these respects.

In the Memorandum which you have transmitted to us it is proposed materially to alter the Constitution of the Court by introducing Nominees of the Crown, and by reducing the Number of Directors. In the Absence of any Statement of the Grounds for these Two important Changes, the Court cannot admit, but, on the contrary, must be permitted altogether to deny, the Necessity or the Expediency of either of them.

They observe that the Field of Selection for the proposed Government Nominees is limited to Persons who have been in the Indian Service. The Court appeal with Confidence to the Fact, that under the present Mode of Election their Body has included some of the most distinguished of the Servants of India, and that others might, had they chosen, have been elected.

The Court cannot dismiss from their Minds the Fear, that ere long political Bias may exercise Influence in the Selection of Nominees, notwithstanding the Restriction to Indian Servants, and they are also apprehensive that the Introduction partially of the Element of Nomination may, without adding to the Efficiency of the Body, prove a Source of Discord. We have no Doubt that Her Majesty's Ministers will guard against these Evils, so far as they can, in their Choice of Directors, and the Court trust most sincerely that the Apprehensions which they have felt it their Duty to express may not prove well founded.

The great Object is to secure to the Court perfect Independence, without which they must cease to be a fitting Instrument for conducting the Government of India; and in this point of view, although we are not prepared to contend that the Reduction of Numbers to the Extent proposed is incompatible with Independence, yet it would, we think, be far better to continue the present Number.

Her Majesty's Ministers do no more than Justice to the Members of the Court, when they express their Confidence that the personal Sacrifices which individual Directors may be called upon to make will be cheerfully submitted to in furtherance of any Plan that Parliament may deem to be essential for the public Interests of this Country and of India. The Court trust that no Consideration will ever influence them, collectively or individually, but that of the Prosperity of the most important of the Possessions of the British Crown and the Happiness of its vast Population.

The Proposal for nominating Students to Haileybury by a Scheme of general Competition is one to which the Court will offer no Objection. They have not much Confidence in the satisfactory Operation of any such Plan, but if it shall produce a higher Amount of moral and intellectual Qualification than that which exists in the Civil Service, the Court will rejoice in the Attainment of such a Result.

In like Manner, if it shall be thought that Competition upon Admission to Addiscombe, superadded to the severe Competition which already exists within the Institution, will give to India Officers of Engineers and Artillery superior or equal in scientific Attainment to those supplied under the present System, the Court will not object, although such a Principle has never, so far as they are informed, been applied to the Government Institutions in this Country.

With respect to the Fourteenth Head of the Memorandum enclosed in your Letter; viz.,—" The Commander-in-Chief of the Queen's Forces in each Presi-" dency to be Commander-in-Chief of the Company's Forces," we would entreat that in any Arrangement which may be proposed to Parliament on this Subject it may, as at present, be left open to the Home Authorities to select occasionally for these important Commands distinguished Officers of the Company's Service.

The other Heads contained in the Memorandum are not such as call for any immediate Observation from the Court. The whole Subject will receive their most attentive Consideration, and any Suggestions which may occur, to them as important will be communicated to you.

In

In the meanwhile, it becomes the Duty of the Court to submit your Letter to their Constituents. They have accordingly convened a Meeting of the General Court of Proprietors for Monday next.

We have, &c.
(Signed) RUSSELL ELLICE.
J. OLIPHANT.

The Right Honourable
Sir Charles Wood, Bart., M.P.
&c. &c. &c.

EAST INDIES.

RETURN

To an Order of the House of Lords, dated 13th June 1853,

CALLING FOR

Copies of Correspondence between the President of the Board of Control and the Court of Directors, on the Subject of the Measure to be proposed for the future Government of India.

Ordered to be printed 16th June 1853.

(239.)

EAST INDIA (DISARMING THE NATIVES).

RETURN to an Address of the Honourable The House of Commons,
dated 8 June 1860;—*for*,

"COPIES of all CORRESPONDENCE with the several Governments of *India*, regarding the DISARMING of the NATIVES in *Guzerat*; together with any MINUTES or OPINIONS recorded by Members of the late Court of Directors previously to the transfer of the Indian Government to Her Majesty, and subsequently of the Council of *India*, having reference to the same subject."

India Office,
21 June 1860.

J. W. KAYE,
Secretary in Political Department.

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(*Mr. Henry Baillie.*)

Ordered, by The House of Commons, *to be Printed,*
22 *June* 1860.

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No. 29.—Political Department.

From the Honourable the Court of Directors of the East India Company to the Right Honourable the Governor in Council, Bombay, dated 1 September 1858.

Para. 1. THE papers noted in the margin* relating to the disarming of Guzerat having been laid before us by the Secret Committee, we lose no time in addressing you on this important subject.

2. Before the occurrence of the outbreak in the northern provinces of India, and the excitement which it necessarily occasioned in other parts of the country, the expediency of disarming the people not only of British Guzerat, but of the whole of the Bombay Presidency, had been contemplated by Lord Elphinstone. The design, however, at no time extended beyond the disarming of those parts of the country, which were under the direct control of the British Government. No dangers or difficulties, present or prospective, seemed to warrant any interference in this manner with the native states. You were not, therefore, "prepared to receive from Sir Richmond Shakespear (the Resident at Baroda) a proposal to disarm the whole of Guzerat." But the proposal was made; and declaredly with such prospect of success that you were induced to give the scheme your serious attention.

3. It was the opinion of Major General Roberts and of all the principal civil and political officers in Guzerat, that it would be impossible to carry out a measure for the disarming of the people of the British territories, with any prospect of success, without at the same time disarming the people of that part of Guzerat which is subject to the Guicowar. The lands belonging to the two Governments are so interlaced, that no partial measure promised any other result than failure. It was necessary, therefore, either to disarm the whole of Guzerat, or to abandon the scheme of disarmament altogether.

4. It was the opinion of Sir Richmond Shakespear, that the latter alternative was to be avoided at any cost. He, therefore, exerted himself to obtain "the consent and simultaneous co-operation of the Guicowar;" and on the 22d of January (although the utmost repugnance to the measure was at first shown by the Guicowar's ministers) he announced, but we fear in too sanguine a tone, that his Highness's Government had entered cordially and unconditionally into the proposal, and had consented to take their fire-arms from all his Highness's subjects, with the exception of the servants of the State, and the servants of officers of the State, and the servants of soucars. Swords were to be left in the possession of any respectable and trustworthy persons.

5. On consideration of the arguments adduced by Sir Richmond Shakespear and the opinions expressed by Major Wallace (Political Agent in the Rewa Caunta), you inclined to the opinion that it would be desirable not to neglect what you deemed so favourable an opportunity of giving effect to the design, and accordingly on the 17th of February, a letter was addressed by your Government to Sir Richmond Shakespear, investing him with full powers as Political Commis-

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* Certain Enclosures to Secret Letters, dated—
24 Feb. (No. 22) 1858.
9 Mar. (No. 27) 1858.
18 Mar. (No. 33) 1858.
9 Apr. (No. 42) 1858.
24 Apr. (No. 47) 1858.
24 Apr. (No. 48) 1858.
8 May (No. 51) 1858.
19 May (No. 61) 1858.

sioner in all the districts of Guzerat, under the political control of your Government, and consenting to his proposal to disarm, under certain conditions, the entire population of Guzerat.

6. On the very same day the magistrate of Broach telegraphed to Government that the work of disarming had commenced at that place, and that "everything passed with the utmost tranquillity." On the 25th of February, Sir Richmond Shakespear reported that disarming was actively proceeding "in British and Guicowar Guzerat, under the order of the Bombay and Guicowar Governments. Broach, Surat, and many of the villages in their neighbourhood, have already been deprived of their arms. Baroda and other towns and districts of the Guicowar are being similarly dealt with, and not the slightest opposition has yet been met."

7. But the difficulty was to come. Up to this point, the British officers had to manage a comparatively civilized and peaceful people, and they had the authority of the local government with them. But when they approached the Myhee Kaunta, symptoms of resistance began to manifest themselves. It soon became evident to you that Major Whitelock had a difficult duty to perform in disarming the Myhee Caunta; but you considered that having gone so far, it would be inexpedient to draw back, and you therefore telegraphed to Sir Richmond Shakespear that the Myhee Caunta should be disarmed.

8. Accordingly, Sir Richmond Shakespear issued a proclamation to the chiefs and people of the Myhee Caunta, in which he stated that it was not his intention to deprive the chiefs and people of that country of their swords; "the chiefs and their brotherhood," it was added, "will be allowed to keep their personal arms; but it is necessary that they should register all arms in their possession and in the villages of their respective estates." To enable him to carry out this measure, he had to resort to your Government for an augmentation of the military force at his disposal, but expressed a hope, at the same time, that he should be able to effect the object without coercion.

9. The expectations of the Political Commissioner were not, however, realised. On the 9th of April he wrote to your Government, that he had "exhausted every effort to induce the chiefs of the Myhee Kaunta to aid us in carrying out the great measure of disarming. The Rajah of Edur," "incomparably the greatest of the chiefs of the Myhee Caunta, appears as yet resolved to take every public means of showing that he is opposed to the measure." This opposition, which appears to us to have been both natural and excusable, the Political Commissioner was disposed to treat as a grave political offence; and he desired Major Whitelock to inform the Rajah that if he threw any difficulties in the way of the disarming of the people of the Myhee Caunta, he would so reduce the house of Edur that it should not again have the power to annoy the British Government. This intimation, the tone of which is to be seriously reprehended, coupled with a forward movement of British troops, appears to have had the effect anticipated by Sir Richmond Shakespear, for we learn from his letter of the 19th of April to your Government, that the Rajah of Edur had yielded to this demonstration of force, and that others of "the rude chiefs upon whom this most unpopular measure has to be forced," had followed or were following his example. And although at a later period there were some less encouraging appearances, we learn from the telegraphic message despatched by Sir Richmond Shakespear from Ahmedabad on the 12th of May that all the Myhee Caunta chiefs had submitted, and that the process of disarming was going on satisfactorily in the Guicowar's districts.

10. There were exceptions, however, to the peaceable progress of this measure. The first of these is the case of the village of Oonoria. That village, situated on the eastern bank of the Saburmutty river, among deep and intricate ravines, and stated to have been inhabited principally by robbers, returned a contumacious reply to the order issued to them for the registration of their arms; and as it had been previously determined that for the more easy control of them they should be persuaded or compelled to abandon the position which they occupied, and to remove their village to a more accessible site on the plain, a proclamation was issued by Major Whitelock, announcing to them that on a given day a British force would appear before Oonoria, to compel them to change the site of their village (if

they could not previously be persuaded to do so), and to surrender their arms. Major Grimes accordingly moved forward on the appointed day, and after an unsuccessful parley, he directed a few shots to be fired, and our troops to advance. It was then ascertained that the village had been evacuated, and it was forthwith destroyed. We are glad to learn from a subsequent report, that many of the villagers, after a brief absence, had returned quietly to Oonoria.

11. It appears that very proper efforts were made to persuade the people of Oonoria of the sincere desire of your officers to effect their removal in a peaceable manner; and they were assured that during the removal their women and children would be safe. But we perceive with surprise that there was no idea entertained of offering them pecuniary compensation for the loss they might sustain by obeying the orders of Government, to remove their homesteads from one place to another; and it appears to us that men much higher in the scale of civilisation than Bheels and Koolies, might not unreasonably demur to a proposal to pull down their houses, however slender their fabric, and to reconstruct them in another place; and to surrender a portion, perhaps the most valued portion, of their possessions, to a foreign army. In such cases the most effectual persuasive is the promise of pecuniary compensation. It divests, in some measure, the proceeding of the appearance of harshness and injustice, and is calculated in some degree to subdue the irritation naturally resulting from what must appear, in their eyes, to be a violation of their rights, and of the common principles of justice. And we need scarcely impress upon you that it is at all times incumbent upon us to endeavour to secure the attachment of the people, by respecting the rights of all classes of the community, and by maintaining our own character for equity and moderation.

12. The second case to which we have adverted, is of a more disastrous character. We learn with regret from papers received at a later period, that the force under Major Grimes came into collision with the inhabitants of Dubbora, who, having refused to surrender their arms, quitted their village, took up a strong position on the hills, and sent what is said to have been a threatening letter to the Political Agent. Major Grimes attacked them, and killed or wounded 80 of their number; thus, as he observes, "teaching the Koolies a lesson, and proving to them that they are not safe from us even in their wildest fastnesses." But these are not the lessons which we wish to teach, or the proofs of our power which we desire to afford to the inhabitants of a friendly country.

13. Whilst affairs were still in a very uncertain and unsatisfactory state in the Myhee Caunta, owing to the rooted disinclination of the people to part with their arms, Brigadier General Lawrence, apparently without any authority, proposed to carry the measure into Rajpootana Proper; and exhorted the Maharajah of Joudpore to disarm the people in the territories under his rule. The Maharajah very respectfully and very reasonably demurred to the proposal, alleging that he had not the power to give effect to any general measure for the disarming of the people, his authority in many parts of the country being little more than nominal. Upon this being reported to your Government, you caused it to be intimated to Brigadier General Lawrence, that you did "not think it at all advisable to call upon the Rajpoot princes to disarm their country."

14. We entirely concur in this opinion. We much regret that any steps should have been taken or contemplated, to force upon the Rajpoot chiefs a measure which could not be otherwise than extremely distasteful to them. The Rajpoots, a race of born soldiers, venerate their arms, and to deprive them of these objects of their attachment is, in their opinion, to deprive them of their personal honour. This is peculiary the case at the present time, when the measure of disarming by the paramount State carried out, or to be carried out in the revolted districts, will be looked upon as a punishment for the past as well as a precaution for the future. To pursue in this respect the same policy towards our actual friends, and towards our recent enemies, is equally unwise and unjust. It must have an inevitable tendency to irritate and to alarm, and above all to discourage the chiefs and people hitherto faithful to the British Government, whereas every effort should be made to tranquillise their minds, to gain their confidence, and to encourage them in well-doing. Indeed, if there be one cardinal principle which more than all others it is of paramount importance to observe in the present conjuncture of affairs, it is that the British Government,

ever as mindful of the good conduct of its friends as of the malice of its enemies, is determined to demonstrate by every possible means, and in the most marked manner, that whilst hostility to its rule can result only in discomfiture and disgrace, fidelity and attachment to the paramount State will invariably lead to profit and to honour.

15. Upon the general question of disarming the people of India we do not now propose to enter; but we desire to impress upon you, that when local and incidental circumstances (and such circumstances will probably regulate your practice more frequently than any general principles or considerations) render it expedient in your estimation to authorise the disarming of any particular parts of the country, whether directly under your government, or under its political superintendence, you should state to us fully and precisely what those peculiar circumstances are.

16. We are convinced that it is the earnest desire of your Government, and of the officers employed under you, to carry out in the least offensive and injurious manner, a measure which, however carried out, must be obnoxious to the people. We observe that Sir Richmond Shakespear, in his letter of the 9th of May, states that "whatever must be the ultimate benefits to be derived from the disarming, the measure must be most unpopular; every man possessed of a knife or a sword, considers that Government has robbed him of so much property." Such a complaint cannot be considered unreasonable. It appears, indeed, to us, although in those districts in which there has been armed resistance to the British Government, a general forfeiture of the instruments of war may rightfully be decreed, that in those other parts of the country in which there has been neither revolt nor disaffection, and where the disarming of the people is therefore enforced solely as a measure of precaution, both justice and policy require us to afford an equitable pecuniary consideration to those who have surrendered their arms to us, and more especially when those persons are the subjects of independent or tributary states. This might, at all events, remove one ground of complaint, and relieve the measure of its most objectionable feature.

17. Another objection to the measure which does not seem sufficiently to have excited your attention, is the important fact that by disarming one part of the country, you may expose a defenceless people to the predatory inroads of marauders from adjacent states which have not been subjected to the same process. We see evidences of this danger in the papers before us, and we are extremely anxious to learn what course you have taken to meet the requisition, which we observe has been made by the patrolling officer in the Ahmednuggur district, for a considerable reinforcement of troops under able and experienced officers to protect our villages, now said to be rendered defenceless against the Nizam's insurgents, owing to these villages having been disarmed.

18. We cannot conclude this Despatch without adverting in strong terms of approbation to the meritorious conduct of the Guicowar, and expressing the gratification which we have derived from the perusal of the papers before us, wherein his general behaviour during the past year of trouble is commented upon by the Baroda Resident. The unconditional assent which he yielded to the necessarily distasteful measure of disarming his country, was in conformity with his previous bearing towards the British Government, and we desire that you will communicate to his Highness our warm appreciation of the friendship and fidelity he has evinced during the late unparalleled crisis. We shall be prepared to receive from you, after you have ascertained the opinion of the Government of India, a proposal for testifying, by some substantial concession, our sense of his conduct. If this can best be done by the remission of what Sir Richmond Shakespear not very correctly describes as the "three lakh fine," it is better that such remission should take the shape of a free-will offering of friendship and gratitude, than that, as originally contemplated, it should assume the ignoble form of a bargain or a bribe.

We are, &c.
(signed) *F. Currie.*
W. J. Eastwick.

DISSENT

Dissent by Colonel *Sykes*; dated India House, 30 August 1858.

1. Because the attempt to disarm the people of India wholly, or in great part, implies a sense of weakness and distrust which is dangerously injurious to the prestige of our power and permanent authority.

2. Because as a great measure of safety it is impracticable to carry it out with the independent or protected states, over which it would be tyrannous to exercise the authority necessary to enforce the measure; and it could only be justifiable with British subjects in open resistance to the State, or in cases of unquestionably meditated revolt.

3. Because partial disarmament either in India generally, or within our own borders, exposes our own or the subjects of native states, as unresisting victims to the numerous predatory hordes with which India abounds.

4. Because the carrying of arms by Rajpoots and some other Hindoo tribes, and the Pathan Mahomedans, is associated with their personal honour; and to deprive them of their arms is to deprive them of their honour, and necessarily to give rise to lasting feelings of resentment against the British Government.

5. Because, unless the arms taken from the chiefs and people be paid for, the disarmament is an act of spoliation.

6. Because it is the duty as well as policy of the British Government, to endeavour to rule the people of India through the medium of their respect and goodwill, rather than by unreasoning authority, or by the force of arms.

(signed) *W. H. Sykes.*

Dissent by *J. P. Willoughby*, Esq., m.p., concurred in by Major-General Sir *R. Vivian*, k.c.b., from the Despatch to Bombay, No. 29, in the Political Department, reviewing the Proceedings of that Government relating to the attempt to Disarm the Population of Guzerat.—1st September 1858.

1. I dissent from the Despatch approved by the Court (No. 29, Political Department), reviewing the proceedings of the Bombay Government, in what I regard as an ineffectual attempt to disarm the population of Guzerat.

2. I am of opinion that the Court's disapproval should be much more strongly expressed, not only in regard to the measure itself, but also in regard to the time and manner in which the attempt has been made to enforce it, and more especially in the territory of the tributary states of Guzerat.

3. I am perfectly prepared to admit that a general disarmament of the people of India, were it practicable, would in many, though not in all respects, be expedient. As a general measure of policy, therefore, it might be kept in view, as one to be gradually accomplished, if possible, with the will and consent of those chiefly interested, but always with a due regard to time and circumstances, with moderation and forbearance, and with a reasonable prospect of avoiding collision and bloodshed.

4. In newly conquered territory, the inhabitants of which have been prostrated by successive defeats, as was the case in Scinde in 1843, and in the Punjaub in 1848, the measure has proved perfectly feasible and highly conducive to the preservation of the public peace.

5. And in those districts which have recently revolted, consequent on the mutiny of the Bengal army, the disarmament of the population may, I conceive, be defended as a just and politic measure, imposed as a penalty for rebellion.

6. At the presidency towns, moreover, where, from a more extended intercourse between Europeans and natives, our objects and motives are better understood, the introduction of a Disarming and Registration of Arms Act, like that of Act XXVII., of 1857, can easily be justified.

7. But I cannot admit either the wisdom or the policy, and still less the opportuneness, of the Bombay Government having, on the suggestion of Sir Richmond Shakespeare, the Resident at Baroda, attempted to enforce that Act in the province of Guzerat, where, notwithstanding the disturbing influences which have for some time past existed in the neighbourhood, the chiefs and people have continued loyal and peaceful. The Resident has himself observed,[*] "We are not proposing to disarm a conquered territory; on the contrary, so far as the Guicawar is concerned, we are dealing with a king and people who have been faithful to us at a time when treachery would have been most injurious; and throughout Guzerat we should, I think, bear in mind that, so far from the people taking advantage of our weakness, there has been actually less crime in the form of highway robbery or dacoity than in ordinary years." Both Mr. Malet and Major Wallace have recorded similar sentiments. The former states,[†] "Guzerat is peaceable and apparently well affected." The latter, though an advocate for the measure of disarmament, observes,[‡] "The numerous tributary chiefs of Guzerat have been quiescent during the disturbances, it is true, and it may be assumed that there feelings are almost universally loyal."

8. Under these circumstances it would, in my opinion, have been wise and prudent to have "let well alone," and not to have selected such a time for attempting a measure which, from its unpopularity, even under the most favourable circumstances, would necessarily be attended with hazard and difficulty. Military operations on a large and extensive scale had moreover been commenced in the adjacent province of Rajpootana, to which Guzerat constituted the base, and as a preliminary condition to making the attempt, Sir R. Shakespeare stipulated that a large military force (consisting of 1,600 Europeans, 2,800 natives, and several batteries) should be placed at his disposal, at a period when every disposable man was urgently required in other quarters.

9. The Bombay Government were no doubt correct in their opinion that any attempt to disarm the British portion of Guzerat, except in conjunction with that portion which belongs to the Guicawar and the numerous *quasi* independent tributary chiefs of Guzerat, must prove ineffectual. It does not, however, appear to have occurred to them to pause and inquire whether our engagements with those chiefs empowered us to enforce the measure against their will.

10. His Highness the Guicawar and his ministers were undoubtedly at first strongly opposed to the measure, and fully alive to the danger of attempting it. They urged that it was "one difficult of execution, and would be productive of great dissatisfaction and commotion," though they were willing to prohibit the carrying of "arms on the highways by persons not in active service." I have no hesitation in recording my belief that they were ultimately bribed into acquiescence, and that they yielded their first convictions to the wishes of the Resident, when by some means or another (not very difficult at a Mahratta durbar) they ascertained that they were likely through his intercession to obtain a remission of the subsidy of three lakhs per annum, imposed on the Guicawar in 1841, on account of the Guzerat irregular horse. For the grounds of my belief I cite in the margin[§] an extract from the Resident's letter to Lord Elphinstone, proposing the remission, in order that his influence with the durbar might enable him "to carry out the measure of disarming the whole population of Guzerat."

11. A concession

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[*] Letter to Lord Elphinstone.

[†] Minute, dated 10th February 1858.

[‡] Memorandum, dated 7th February 1858.

[§] In his letter to Lord Elphinstone, the Resident thus earnestly pleads for the concession, in order that his influence may be increased: "He (the Resident) cannot have any claim upon which he could base a request that they should carry out a measure which they will think injurious both to their power and their dignity," and therefore that for this reason, and in reward for his fidelity, "the three lakh fine should be remitted, especially as Sir James Carnac was willing to reduce the contingent from 3,000 to 1,500." If this is done, he adds, there is a fair probability of this act of justice and generosity enabling me to carry out the measure of disarming the whole population of Gujerat. My whole hope of success is founded upon the very great influence that I should personally acquire if I carried the proposal I have made regarding the remission of the three lakh fine; with this influence I should have no hesitation at all in opening the subject at this Court; but without this influence it would only be injurious for me to incur the suspicion of ingratitude and treachery."

11. A concession thus obtained loses much of its value, but I cannot understand on what principle the Bombay Government have felt themselves justified in applying Act XXVII. of 1857, to the territory of the tributary chiefs of the Mahee Caunta and Rewakaunta; and still less can I comprehend the policy or justice of the contemplated introduction of this Act into Kattywar, a province in which we do not possess, and I hope never shall possess, an acre of ground, divided into 212 separate and independent jurisdictions, the chiefs of which are subject only to our general supremacy, inhabited by about a million and a half of, probably, the most martial and high spirited, and I must add, until very lately, the most predatory races of India, and containing no less than 79 cities, more or less strongly fortified, and 921 towns, having fortified residencies of the durbar.*

12. In justice to Sir R. Shakespeare, I must here remark, that the disarmament of Kattywar, or even of Cambay, was not contemplated in his original plans. "I conclude," (he observes in his letter to Lord Elphinstone,) "that Kattywar is altogether out of the question, and also Cambay." The instructions of Government, however, sanctioning the Resident's proposal, extended over a much wider field. "The extent of territory (Mr. Secretary Anderson's letter, dated the 17th February 1858) to which the measure should be applicable, should only be limited by the power of Government; and it is desirable that the provinces of Kutch and Kattywar, and the districts on the western and northern frontiers of Guzerat, should be included within its operation."

13. Time presses, and I cannot, therefore, describe in detail the nature of the relations which have heretofore existed between the tributary chiefs of Kattywar and Guzerat and the British Government. Very full information on the subject is, however, to be found in the printed selections from the Bombay records, quoted in the margin.† It will suffice to state that they, for the most part, date from the commencement of the present century, when we entered into formal engagements with the chiefs, on the general principle that so long as they paid their tribute (which is fixed in amount) and preserved the peace of their districts, and abstained from warring or encroaching against each other, they should be maintained in the undisturbed possession and management of their estates, some of which date from the remotest antiquity.

14. I presume it will not be disputed that these engagements are equally binding on both parties; on the British Government as strongly as on the tributaries. But they give us no right to enforce the disarmament and Registration of Arms Act, or in fact any other British legislative enactment, within the territory of the tributary states. It does not, I conceive, speak much in favour of Sir R. Shakespeare's knowledge of Guzerat, and of the various rude and warlike tribes who constitute a large portion of its population, that he should ever have contemplated the possibility of compelling them to comply with Act XXVII. of 1858, "without firing a shot." For undoubtedly, it is a point of honour with the proud and warlike Rajpoot, as well as with the semi-barbarous and turbulent Cooly and Bheel, not to surrender their arms except in the last extremity. Accordingly we find that whenever the attempt has been made to enforce the disarmament policy, the utmost repugnance and dissatisfaction has been evinced; that in some places (as, for instance, in the district of Veerungaum) the attempt was abandoned as for the present impracticable; that in more than one instance, military operations attended with collision and bloodshed ensued, and that almost in every instance of success or apparent success, it has been effected under the pressure of powerful military demonstration, intimidation, and threats.

15. I cannot conceive a policy more calculated to arouse into action the enmity of foes, and to alienate friends, than that which is now being pursued in Gujerat. The first 16 years of my career in India were spent in the Rewakaunta, the Mahee Caunta, and in Kattywar, and I can therefore testify, from personal experience and intimate acquaintance with the chiefs and people of those districts, that that policy is not likely to succeed; for it is my boast that, during the whole period they were placed under my political charge, except on one occasion, I never found it necessary to have recourse to military operations. We cannot too

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* *See* No. XXXVII. Selections, Bombay Government Records, Province of Kattywar, p. 377.

† 1. No. XXXVII. New series of Selections, Bombay Government Records, Kattywar.
2. No. XXIII. Do. - do. - do. Rewakanta.
3. No. XII. Do. - do. - do. Maheekanta.
4. No. XXVI. Do. - do. - do. Cambay and other native states in Guzerat, and historical sketch of the Bheel tribes in Khandeish, with an outline of the principles of conciliatory policy observed towards these rude tribes.

frequently urge on the attention of the authorities in India, that we can never hope to maintain a peaceful supremacy in that magnificent country by physical force alone. We rely, and ought always to rely, for the maintainance of that supremacy on the observance of a firm but mild and conciliatory policy, and by making the advantages of a benevolent rule felt among all classes.

16. And in no part of India has this policy, as well as the reverse, been so fully tried and tested as in Kattywar and in the Maheecaunta and Rewakaunta. Those acquainted with the past history of these districts need not to be reminded that during the first years of our connexion with them, military demonstrations, and even resort to actual military operations, were almost of annual occurrence. This policy, however, entirely failed. The collection of the tribute fell greatly into arrears; life and property became very insecure; the public peace was violently disturbed, and the country was filled with dangerous Bharwuttyes (outlaws), driven out in search of vengeance and redress for real or imaginary wrongs and grievances.

17. It is now about 30 years ago that the wiser, and, as it has abundantly proved, the more effective policy of conciliation, and a scrupulous regard for the rights and privileges, and an indulgent consideration for the failings of the tributary chiefs and of the predatory classes of their subjects, was adopted. This policy, so grateful to the philanthropist, has never failed; with very few exceptions the tribute has been easily and punctually realized; public tranquillity in these formerly disturbed districts has been maintained; the destructive system of Bharwuttye (going into outlawry) has become nearly extinct; military demonstrations, much less military operations, have become unnecessary, and it may almost be said that the presence of a military force in these countries has been dispensed with. The picture will soon however change if the policy lately commenced in Guzerat is persevered in, and the work of many years may be destroyed in a few months.

18. It is quite clear that the present Resident at Baroda does not belong to the school of politicians described in the preceding paragraph. A considerable military force composed of 315 Europeans and 450 natives, with 17 guns (5 of them siege guns) having been assembled at Kaira, H. H. the Nawab of Cambay, an independent chief with whom we have not even the usual tributary relations, and upon whom we have no other claims except those of amity and friendship, was threatened* and coerced into compliance with our demands. The Resident thus reports this chief's submission:—

"It will be seen that the Nawab expresses himself in the most submissive terms, such expressions as 'the existence of my state in Hindostan solely depends on the mercy of the British Government,' and the uniform tone generally of the Khureeta *are almost painfully humble.*" Letter to Bombay Government. Collection, p. 451.

19. Again, the Rajah of Edur, a chief of the highest rank and lineage among the proud and martial tribe of Rajpoots, was informed, "it would be well for him and his house if he sets an example and aids our Government; on the contrary, if he keeps aloof, and throws difficulties in the way of carrying this measure, I (Sir Richmond Shakespeare) will so reduce the House of Edur, that it shall not have the power to annoy the British Government." Letter to Major Whitelocke,

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* On the 23d April 1858, Sir R. Shakespear thus addressed the Quartermaster-General of the Army, "All the resources at my disposal will now be directed to making a demonstration in the direction of Cambay, such as will compel the Nawab to prompt compliance with the wishes of Government." "I have come to the conclusion that, both as a political and a military question, it is necessary that the troops about to be assembled at Kaira should be supported by siege guns."

The Nawab having furnished a register of arms, had to submit to the indignity of receiving an officer (Lieutenant Newton) deputed to test and verify the accuracy of the list. The following extract from this officer's orders illustrates how the independence of the chiefs of Gujerat is likely to be respected in future, and the exacting spirit of the day:—

"I have heard that armed men in Cambay have, since our troubles in India, been in the habit of not *sallaming* (saluting) British officers in the city of Cambay. You will take immediate notice of anything like disrespect, and insist on Agha Khan having the offender arrested. According to the new arrangement, every man with arms in his hands must be a Government servant, and every Government servant of the Cambay State is bound to salute a British officer." Sir R. Shakespeare to Lieutenant Newton, dated 9th May 1858.

Whitelocke, dated the 9th April 1858. Really, the employment of such means and such language to carry out a measure, of the very natural unpopularity* of which he himself was fully aware, creates grave doubts, not only of Sir Richmond Shakespeare's fitness and qualifications for the high and responsible office he now fills, but also of the wisdom and expediency of the arrangement adopted a few years ago, whereby the conduct of our political relations in Guzerat is entrusted to political officers, who, however able and efficient, are utter strangers to the province, and unacquainted with the habits, customs, and feelings of the diversified races of which its population is composed.

20. But more arbitrary proceedings, terminating in collision and bloodshed, remain to be noticed. The inhabitants of the cooly village of Oonoria, on the banks of the Saburmutty, having been required to change the site of their village and to surrender their arms, declined to obey the last demand, but expressed their willingness to comply with the first. A military force, under Major Grimes, advanced against the village, and after an unsuccessful parley between Lieutenant Law and about 150 coolies, "the commanding officer ordered a round of spherical case, which dispersed them." "The force then advanced close to the two wasses, they appeared deserted, but a few shot and shell were sent in, and then some skirmishers. I went too, and found not a soul; there was some kirbee, not much, a pile of rafters for building; the place, however, could not long have been evacuated. *The work of demolition then commenced, and is now going on.*" Lieutenant Law's report, dated 4th May 1858.

21. The village of Oonoria is described to have been "a den of robbers;" but I have been unable to trace any reports of their excesses from the Bombay Government, which could not therefore have previously acquired any great notoriety. The fact stated, that they had quietly submitted to a thanna, or military post, being stationed in their village, speaks much in their favour; and when we consider that the sites of cooly villages are as often selected for protection from the exactions of the native Government as for any other object, the demur of the inhabitants to change the site was not unreasonable, the more especially as it does not appear† that the demand for removal was preceded by any offer of pecuniary compensation to defray the expense of the change of sites. The demolition of the village under such circumstances cannot, in my opinion, be justified; it is a revival of a barbarous custom which prevailed during the period referred to in the 16th para. of this dissent, which cannot be too severely condemned, for it confounds the innocent with the guilty, and compels those who have been burnt out of house and home to rob and plunder for a subsistence.

22. It is not stated whether any lives were lost when "a few shot and shell" were fired into Oonoria; but within the last few days we have received a report from the Bombay Government that Major Grimes' force had proceeded against another village named Dubbora, and finding it abandoned, the inhabitants were pursued into the hills and attacked and dispersed. There is no report from the Political

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* For instance, in his letter to Lord Elphinstone, proposing to disarm Guzerat, Sir R. Shakespeare observed, "I know the measure will be distasteful to the Durbar, and to the nobility of Baroda. I need hardly tell your Lordship, that to deprive a man of rank in India of the arms of his followers, is about the greatest indignity that can be inflicted on them. Were I to make the proposal at the present moment to the ministers, I feel sure that they would refuse to undertake it, and resign. The king too, on hearing of such a proposition, would say, 'There is the reward of my fidelity; while they were in difficulties, I stood by them, and now they have recovered their position and gained strength, they turn round upon me, and try to deprive my people of their arms.' He and his ministers would view the proposition not only as an act of ingratitude, but of treachery."

Again, on the 9th May 1858, the Resident admits, "Whatever may be the ultimata benefits to be derived from the disarming, the measure must be most unpopular. Every man possessed of a knife or a sword considers that Government has robbed him of so much property."

Again, on the 5th May, "It would be a most serious misfortune to be involved at this late season in actual hostilities with the Rajpoot chiefs; they are not robbers, like Oonoria, but respectable persons, who have always been our faithful servants. The disarming touches their pride."

† There can be no doubt on the subject, for on the 1st May Major Whitelocke thus addressed the inhabitants of Oonoria:—"To enable you to remove from your present dwelling your wives, children, grain, and other property, including the roofing of your houses, you will be allowed the space of 48 hours, and after the expiry of that time an order will be given to level your present houses to the ground."

Political Agent of the circumstances which preceded this attack; but we learn that no less than 80 of the coolies were killed and wounded, with only three casualties on our side.

23. Even success purchased at such a sacrifice of human life would, I conceive, be dearly bought: I have, however, no hesitation in stating my belief that this most unwise attempt to disarm Guzerat has, except in a few isolated towns and villages, been unsuccessful, though enough has been done to irritate and exasperate the population against us, the ill effects of which we shall some day experience. Those parts of Guzerat in which the greatest danger exists (that is, if danger exists anywhere) remain, as far as I can trace from the proceedings reported, untouched. I refer principally to the eastern frontier of Guzerat, extending for several hundred miles, from Deesa and Pallumpore on the north to Rajpeempla on the south. This wild and strong belt of country is principally inhabited by coolies and Bheels, and includes the petty States of Banswara and Dongurpoor, Barriah, Chota Oodiepoor, Rajpeempla, and the numerous Mehwassie villages of Sunkheira-Tullukwara, and other districts. The normal condition of the inhabitants of this extensive tract of country is that of bearing arms, as much for defence as offence, a necessary consequence of the anarchy and misrule which existed for ages prior to our first connexion with it.

24. And even in Guzerat proper it has, except in a few cases, been found necessary to limit the disarmament to firearms. This was wise, but it necessarily entailed the sacrifice of the object in view, or nearly so; for the sword, the spear, and the bow and arrow, are the ordinary arms of the province. Major Wallace wisely abstained from attempting to deprive the Bheels of their bows and arrows, and they rarely possess any other weapons. Finally, it was found prudent to abandon the design at one time entertained of disarming the coolie population of Verungaum, notoriously the most turbulently disposed district of the collectorate of Ahmedabad.

25. Those, therefore, who take the most favourable view of these proceedings will scarcely contend that it was wise and prudent, during the crisis still pending in India, to incur so much odium and to cause so much irritation for so very an imperfect and partial accomplishment of the object in view; and I confess I do not regret the failure, for unquestionably one of the effects of a complete disarmament of the more accessible portions of Guzerat would be to place the inhabitants at the mercy of those portions which remained armed, and to expose them to the incursions of the numerous warlike and predatory tribes residing on the frontiers. An instance of this evil has already occurred in the Deccan, and I quote in the margin * some very sensible remarks of Major Agar, superintendent of police at Ahmedabad, showing how dangerous it is to disarm our own districts, and to leave those of our neighbours untouched.

26. I observe from these proceedings that Act XXVII. of 1857 has been introduced into the Deccan and the Southern Mahratta country. With the exception of a report from the magistrate of Dharwar, I cannot discover any account of the mode in which it was applied and the consequences, except that I observe an urgent requisition from the superintendent of police on the Ahmednugger frontier for a strong force under able and experienced officers, to protect our own disarmed villages from inroads from the Nizam's territories. From the ordinary channels

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* "It appears to me quite impossible to disarm the Veerungaum purgunnah until the Kattywar authorities are prepared to carry out a similar measure in their districts, lying north, west, and south of it, comprising the greater part of Shallawar, and including the talookas of Dussara, Ihinjoowara, Wunnode, Bujana, Lucktur Wudwan, and Limree, and the small estates held by the Bhyerad of the two last. The people of Dussara, Bujana, and Limree, are our most troublesome neighbours, and it seems to me that it would be highly impolitic to disarm our villages, and expose them to inroad from bands of armed men from across the frontier. About two months ago an attack was made upon some merchants who had stopped for the night at the village of Unneealee, in the Veerungaum pergunnah, by a band of 25 or 30 armed men from Limree, and the Unneealee people gave as their reason for not pursuing the robbers that they had not arms sufficient to enable them to cope with them in case of overtaking them. Attacks from the side of Limree are also common in the Dholka district. The Veerungaum district not only borders on the Kattywar jurisdiction, but the villages are intermixed in a most confused manner. Several of our villages being completely isolated in the Kattywar jurisdiction, and *vice versâ*. Unless, therefore, the measure be extended to Kattywar, the disarming of Veerungaum is an impossibility."

channels of information, also, we learn that the enforcement of the measure in the Southern Mahratta country was attended with much loss of life, and that the district of Nurgoond was supposed to have been disarmed, although a short time afterwards its chief went into rebellion at the head of a considerable armed force, and became implicated in the foul murder of Mr. Manson, the Political Agent, for which he has recently suffered death. Many of the preceding remarks apply in some degree to the Deccan and the Southern Mahratta country, although to some extent the disarmament in these districts may have been justified by the partial disaffection which is stated to have manifested itself in the latter province, but of which I have not yet seen any official report.

27. There is, however, one circumstance connected with the disarming of the Dharwar district which ought not to pass unnoticed. As might have been anticipated, the subordinate agents of police embraced the opportunity for exaction and extortion to such an extent as to cause many families to emigrate from that zillah into the adjacent Madras territories. "I regret to say considerable alarm and irritation were created by the mode in which the subordinate native police carried out the measure;" I have endeavoured by a circular "to allay the panic which had seized the villagers, and induced them to prepare for the removal of their families into other zillahs, in the belief that the police entered houses and plundered the property of their inmates;" and shortly afterwards Mr. Ogilvy received a letter from the magistrate of Bellary, informing him that various families had actually emigrated from the Dharwar zillah into his zillah, in order to escape the violence they apprehended from the police. The accusations against the police were fully confirmed by the inquiries subsequently instituted.

28. On all these grounds, I am constrained to dissent from the Court's Despatch, No. 29 :—

1st. Because it does not condemn the proceedings I have reviewed in sufficiently strong and emphatic terms.

2d. Because it does not prohibit any further attempt to disarm the peaceful and loyal district of Guzerat, and, above all, its extension to Kattywar, with its 79 fortified cities and 921 fortified residences of durbars.

3d. Because it does not condemn the barbarous practice of destroying unresisting villages, or notice the injustice of the demand made on the people of Oonoria to place themselves at the mercy of the Guicawar's officers by changing the site of their village, and this without any offer of pecuniary compensation.

4th. Because it does not sufficiently indicate the Court's disapproval of the harsh and dictatorial manner in which the Resident at Baroda attempted to enforce a measure of universally admitted unpopularity, and the adoption of which could only be justified by the sternest necessity.

5th. Because it leaves unnoticed the gross tyranny and oppression of the police in the Dharwar zillah.

29. I record this dissent with pain and reluctance. There is no member of this Court who entertains a higher opinion than I do of the zeal, ability, energy, and judgment which on most occasions has marked Lord Elphinstone's government of the Bombay Presidency during the last 12 months; and it is only from the strong convictions I entertain of the pernicious consequences likely to ensue, and that permanently, from the introduction of the Disarming Act into Guzerat and Kattywar, I have recorded my opinion. At all events, if proceedings like those I have commented upon are to pass unchecked and unrebuked, let us no longer affect to desire to maintain the native States and chiefs of India in their integrity, and in honour and independence.

(signed) *J. P. Willoughby.*

No. 3 of 1859.—Political Department.

To Her Majesty's Principal Secretary of State for India, London.

My Lord, Bombay, 8 January 1859.

We do ourselves the honour of acknowledging the receipt of a Despatch from the Honourable the Court of Directors, No. 29, dated the 1st September 1858, communicating their sentiments with reference to our proceedings relative to the late disarming of the province of Guzerat.

2. In reply, we beg to submit an extract from our proceedings consequent on the receipt of the above Despatch, and to solicit the attention of your Lordship to the letter from Brigadier General Sir R. Shakespear, the Political Commissioner in Guzerat, dated the 17th December 1858.

3. We, at the same time, beg to state that in our opinion the disarming of the country generally is a measure highly desirable in itself, and that the events of the last two years have shown that it is not prudent to leave in the hands of the people the vast quantities of arms and military stores of every description which have hitherto been accumulated in every part of the country, and that so far as the measure has been carried out in this Presidency it has been attended with success. We are hopeful that the crime returns of Guzerat, the Deccan, and the Southern Muratta country, will afford the best proof that the measure was a wise one, not only as an act of political prudence, but of police regulation. Further, it appears to us that good policy did not require us to abstain from disarming the greater part of Guzerat, because the measure would be dangerous in some districts, but rather by commencing the work to accustom the body of the people to the change, and gradually to render the task less difficult in the more remote and turbulent districts.

4. Under any circumstances we feel bound to state that no blame can attach to the Political Commissioner, as the measure was carried out by him in our districts under the orders of this Government, and in those of his Highness the Gaekwar with its complete concurrence. We would, at the same time, submit that Sir R. Shakespear in his arrangements displayed an energy and a tact which did more than anything else to secure success, and which were worthy of our warmest commendation.

We have, &c.
(signed) *Elphinstone.*
A. Malet.
Henry Reeves.

No. 33 of 1859.—Political Department.

From the Secretary of State for India in Council to the Governor in Council, Bombay, dated 27 October 1859.

Para. 1. The Despatch of your Lordship's Government, No. 3 of 1859, in the Political Department, under date January 8, 1859, has been considered by me in Council. It relates to the disarming of the people of Guzerat.

2. That measure was the subject of a Despatch from the Court of Directors of the East India Company, dated September 1st 1858. To that Despatch your resent letter is a reply.

3. It was not the intention of the Court of Directors, as your Lordship's Government appear to believe, to censure your agents for recommending the disarmament of the people of Guzerat, or your Government for carrying out the measure, but to indicate certain circumstances suggestive of the necessity of prosecuting it with caution, and of hesitating before you extended it into contiguous parts of the country.

4. The Court of Directors observed with regret that no report had been made to them of any compensation having been afforded to the villagers of Oonoria, who

who were compelled, at the point of the bayonet, to move their residences to another site. In this sentiment Her Majesty's Government cannot but share. It is their desire that whenever the public safety requires that you should interfere with the rights of property, as in the instance noted above, you should afford compensation to the individuals who are sufferers by the measures you have determined upon. But under the explanation afforded by the Resident at Baroda, it is not intended that any further proceedings should be taken in the cases of Oonoria and Dubbora.

5. Her Majesty's Government are willing to believe that the measure of disarming the people, as far as it has been carried out in the Bombay Presidency, has been attended with success; and they learn with satisfaction that, in the opinion of your Government, the arrangements of Sir Richmond Shakespear "displayed an energy and a tact which did more than anything else to secure success, and which were worthy of the warmest commendation." It was not the design of the Court of Directors to censure the proceedings of this meritorious officer, except in one particular instance. The peremptory tone which he assumed towards the Rajah of Edur was animadverted upon with displeasure by the Court; and I need hardly impress upon your Lordship that it is the desire of Her Majesty's Government that when circumstances of an urgent political character compel you to move an independent native prince, or chief, to adopt measures obviously repugnant, if not humiliating, to him, the demands made through your agents should be couched in conciliatory language, and should be accompanied, as far as possible, with friendly explanations, calculated to reconcile them to the obnoxious measure.

I have, &c.
(signed) *C. Wood.*

EXTRACT Foreign Letter from the Government of India, dated the 22d January 1859. No. 6.

7. THE Resident intimated that in 1855 a correspondence had passed between the Bombay authorities and the Resident, regarding the disarming of the people generally of the province of Guzerat; that again during the last year the Bombay Government had revived the subject; and that on mentioning it to the Ministers, he had found that if the swords of respectable persons were left with them, and if men of high rank and known fidelity were allowed to retain their fire-arms, the Durbar would cordially co-operate in disarming the turbulent classes, and all persons who were out of employ. The Resident had addressed Lord Elphinstone, pointing out the difficulties and objections, and proposing the measures which he believed would be best adapted to carry out the great measure without bloodshed. Upon this the Bombay Government appointed the Resident to be Political Commissioner in all the districts of Guzerat, to enable him to carry out the measure.

8. The Resident reported that the disarming of Surat city, and of nearly the whole of the Broach district, had been completed without a murmur; and that he was about commencing in the Kaira district. The Gaekwar's Durbar was co-operating, and it was expected that the measure would be carried out without firing a shot.

9. The Governor General cordially approved of Sir Richmond Shakespear's proceedings, and thanked him for the readiness with which he had undertaken, and the judgment and vigour with which he had performed the above duty.

10. In a subsequent report the Resident stated that the British districts of Surat, Broach, and Kaira, had been thoroughly disarmed; that the operation was going on successfully in Sindia's Punj Mahals, and in Rewa Kanta generally; and that the city of Ahmedabad had been thoroughly disarmed, without a single shot being fired. The Gaekwar's districts,* which are more immediately intermixed with the above, were those which had been first attended to. The Resident forwarded returns of these districts. The armed portion of the population was stated to amount to 14,438. The total number of arms of all sorts, found in the possession of these 14,438 men, was 20,104. The total number of weapons of all sorts

* Petlad, Sowlee, Wusravee.

sorts left with the people was 7,323, so that 12,781 was the total number of weapons taken from the armed population of these three districts. Preparations were going on for carrying out the measure throughout the Baroda and other districts between the Mhye and the Taptee. The general rule which the Durbar had laid down, was to allow each village to retain arms to the number of 58; and each village, when settled with, gave its written agreement to the arrangement, and bound itself not to allow more arms to enter its limits, and to arrest all travellers who carry arms without a pass. Very strict rules had been made for preventing travellers passing through the country without passes.

11. The Resident was requested to submit a complete report of his operations in the execution of the measure of disarming the province of Guzerat, as soon as they shall have been brought to a close.

12. Brigadier General Sir R. Shakespear proceeded in April last to Ahmedabad and the northern part of Guzerat, on duties connected partly with the offices of Political Commissioner in Guzerat, and of the command of the northern division of the army which he held, as well as with that of Resident, the duties bearing chiefly on the extension of the disarmament, which was being carried out in the southern half of Guzerat, to the northern portion of the same province. The conduct of the current duties of the Residency during the temporary absence of the Resident, were intrusted to the officiating assistant, Dr. Stratton. Political, and other matters of importance, would not be affected by this arrangement, as his Highness the Gaekwar, and the two Ministers, would accompany the Resident to the north.

13. The Resident remarked, that the cordiality with which the Gaekwar's Durbar had entered into our operation of disarming the country, had greatly facilitated our proceedings. After his Highness had entered our own districts, it became necessary to attach an European officer to the camp of the native ruler; and the Resident, having no assistant of his own available for the purpose, took on himself to direct Lieutenant Ashe, 8th Bombay Native Infantry, to accompany the camp, for the purpose of being the channel of communication with officers of our districts, and to settle the many petty differences that might be expected to arise between the Gaekwar's people and our own. He had authorised that officer to draw a marching allowance of 5 rupees a day, while employed on this duty.

14. The deputation of Lieutenant Ashe, as above, and the allowance proposed to be assigned to him, have been sanctioned.

EXTRACT Political Letter from the Secretary of State for India in Council, to the Governor General of India in Council, dated 20 February (No. 10), 1860.

Letter dated 22d January (No. 6), 1859 (7 p. 14). Questions connected with the disarming of the Province of Guzerat.

5. THESE subjects have, so far as they appear to require instructions, been disposed of in the Despatch noted on the margin* to the Government of Bombay, with a copy of which you will have been supplied in the usual course.

* D. 27th Oct. (No. 33) 1859.

DISSENT by *J. P. Willoughby*, Esq., India Office, 3d February 1860.

DISARMAMENT OF GUZERAT.

Para. 1. I DISSENT from para. 5 of the Political Despatch to the Government of India, passed yesterday in Council, for the following reasons:—

2. That para. replies to a letter from the Government of India, dated the 22d January 1859, from which the following is an extract:

"8. The Resident reported that the disarming of Surat city and of nearly the whole of the Broach district had been completed without a murmur, and that he was about commencing in the Kaira district. The Guicowar's Durbar was co-operating, and it was expected that the measure would be carried out without firing a shot.

9. "The

"9. The Governor General cordially approved of Sir Richmond Shakespeare's proceedings, and thanked him for the readiness with which he had undertaken, and the judgment and vigour with which he had performed the above duty.

"10. In a subsequent report the Resident stated that the British districts of Surat, Broach, and Kaira had been thoroughly disarmed; that the operation was going on successfully in Sindia's Punj-Mahals and in Rewa Kaunta generally; and that the city of Ahmedabad had been thoroughly disarmed without a single shot being fired."

3. Now, I have contended both in committee and in council that this report is fallacious, and does not convey to us any idea of the real character of the attempt made to disarm Guzerat, or the consequences of that measure. It does not correctly represent the facts of the case, as must have been known to the Government of India long before the date of their letter, the 22d January 1859.

4. It only reports the Resident's proceedings up to the 27th March 1858, describes the success of the measure as very great, and leads the Secretary of State and the Council of India to believe that this unpopular measure was being carried out peacefully and without the firing of a shot. In fact, but for an accidental circumstance, this report would lead us to the conclusion that the population of Guzerat, martial as a considerable portion of it is known to be, were surrendering their arms peaceably, without compulsion and without blooshed.

5. But the Government of Bombay having reported the same proceedings in the secret department, we unhappily know the actual state of the case to have been very different from what we are led to infer it to have been by the Government of India's Despatch of the 22d January 1859.

6. For instance, the Government of India do not notice the fact that the Baroda Durbar were at first strongly opposed to the measure, and that their opposition was only overcome by what I have not scrupled to designate a bribe of three lakhs of rupees annually. Neither do they allude to the fact that to enable him to carry out the measure the Resident at Baroda demanded and obtained, at a period when every British soldier was worth his weight in gold, an army of 1,600 Europeans, 2,300 natives, and several batteries of artillery—a force larger than that with which Havelock gained his splendid victories; nor to the movement of a force with 17 (five of them siege) guns on Cambay, to coerce the independent chief of that principality into acquiescence with our demands; nor to the minatory letter of the 9th April 1858 (only a few days after their thanks to the Resident) to the Raja of Edur, to the effect that "if he keeps aloof, and throws difficulties in the way of carrying this measure, I will so reduce the house of Edur, that it shall not have the power to annoy the British Government;" nor of the arbitrary proceedings compelling the inhabitants of Oonoria to abandon the ancient site of their village; nor lastly, the attack on the village of Dubbora, and the pursuit of the unfortunate inhabitants into the hills, by a force commanded by Major Grimes, in which no less than 80 were killed and wounded, of whom at least 25 or 30 were killed. This last deplorable event occurred on the 30th May 1858. For full particulars of these events, I beg to refer to my dissent dated the 1st September 1858, recorded when they were first reviewed by the late Court of Directors of the East India Company.

7. But I have a still graver fact to urge in support of my dissent. I have informed the Council that it has come to my knowledge that in two letters, dated the 24th September and 23d October 1858, the Resident at Baroda required from the Political Agent in the Mahee Caunta, a report on the effect produced in his districts by the disarming measure, and I produced and read the following extract from Major Whitelocke's reply, dated the 2d November 1858:—

"I have the honour to acknowledge the receipt of your letters, Nos. 1,188 and 1,305, dated respectively 24th September and 23d ultimo, relative to the effect produced over my districts by the disarming measure.

"In reply, I beg to state that the dissatisfaction caused by the disarming of a large portion of the Mahee Kanta is not likely, I fear, to be removed for many years; the honour, pride, and most cherished feelings of those who have peaceably submitted to the orders of the Government have been wounded afresh by the reports which have been so freely circulated during the last few weeks, that those who

who have not yet yielded obedience will be allowed to retain the arms of their villages.

"The act of disarming was, in itself, a most unpopular measure,* for these high-spirited and independent chiefs conceived that it lowered their positions, struck at the root of their independency, and evinced a want of confidence on the part of that Government which they had respected and served for so many years with unbounded confidence and unbending loyalty; and unpalatable as the measure was, it has been made doubly so by the dreaded taunts, reproaches, and derisions of those whom they already imagine have been spared from participating in their humiliation.

"In illustration of this feeling, I may mention that shortly before leaving India, during last month, I remarked to Ranajee Thakoor of Kuttosun, that it had afforded me sincere pleasure to hear that the chiefs of that district were gratified by the leniency shown in disarming their villages; when the Thakore with his usual candour, replied, that his brethren could not feel less than deeply mortified in beholding the inhabitants of the Veerungaum and Puttun purgunnas in possession of their arms, whilst themselves, the peaceable and devoted servants of the Government, had been subjected to the Disarming Act, and on my observing that it was my belief at a fitting time those districts would be similarly treated, he shook his head sorrowfully, and expressed a fervent hope that I might not be mistaken, as the preservation of the honour of the chiefs of Kuttosun solely rested upon the performance of that measure.

"The assurances given to the chiefs of Rajpootana, and the concession made to the Raja of Edur, that he would be allowed to retain the arms of his villages in the Edur Talooka, have, I consider, rendered the future disarming of the Mahee Kanta an impossibility, without driving several chiefs of influence into rebellion," &c., &c.

8. Unless we can suppose that the Resident at Baroda so far neglected his duty as to omit forwarding this important document to Calcutta, it must have reached the Government of India prior to the 22d January 1859, the date of the Despatch we are now acknowledging. Nevertheless, up to this date, it has not been forwarded to us, either by the Government of India or the Government of Bombay; but it amply confirms my statement that that Despatch does not convey a correct representation of the success which had attended the attempt to disarm the peaceful and loyal province of Guzerat, or the injurious effects it has produced.

9. The fact is, there has been no real disarmament of the province, though enough has been done to alienate friends and irritate foes. Under the pressure of a military force, certain towns and villages have been disarmed, but the most dangerous parts of Guzerat remain untouched, as will be seen from the facts stated in my former dissent (paras. 23 and 24).

10. And we have no cause to regret this failure; for what would now be the condition of this rich and fertile province, if we had succeeded in thoroughly disarming the population, when we have abandoned the attempt in Rajpootana? In the "Narrative of Events in Rajpootana, from the Fall of Kotah, in March 1858 to May 1859," Lieutenant Newall states, "Some little apprehension had been excited, more especially on our border contiguous to Guzerat, consequent on the disarmament of the population then being effected in that province, and which it was feared would be extended to Rajpootana; this was, however, allayed, but the fear of such a measure is still strongly impressed on the native mind."

11. On

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* It is scarcely possible to exaggerate the unpopularity of the measure; in fact, wherever it has been attempted it has produced effects similar to those here described. For example, in a very able report by Captain Schneider, Political Agent at Kolapore, dated the 15th December 1858, which recently came before us, it is stated:—

"It is also quite certain that the disarming movement, and the order to the chief (of Nurgoond) to send in his guns, &c. to Dharwar, was very unpopular among the Shetsundees (a species of hereditary militia in the Southern Mahratta country) of the State, for a petition from the principal men among them was subsequently found, in which they begged him to refuse compliance with the wishes of the Political Agent, saying that they had served his family for generations, and were prepared, if he would only resist, to lay down their lives for him, and many did so, for some were killed in fight, while others among them were executed. This petition was found among the late chief's private papers."

11. On all the above grounds I dissent from the reply to the letter from the Government of India of the 22d January 1859. I think we ought to point out the omission to forward the whole correspondence on the subject of disarming Guzerat. I would treat this as an oversight, originating it may be, in an accidental *lache* of the secretariat. I would also ask, why the correspondence from which I have quoted (para. 7) has not been forwarded, for I must contend, that if we pass over without remark the omission to forward documents having an important bearing on the subject under discussion, our means of controlling and superintending the Governments of India will be materially weakened. Finally, I would inform the Government of India, that on a review of the whole of these proceedings, we cannot concur in the thanks they have bestowed on the Resident at Baroda for the "judgment and vigour" of his proceedings in disarming Guzerat. On the contrary, we consider the attempt was as unwisely conceived as it was recklessly carried out, and that we had no right to inflict so strong a penal measure on a peaceably disposed and loyal population, and still less to demand from chiefs and communities not subject to our laws, the surrender of what they so highly value, and the possession of which in some parts of the province is absolutely necessary for self-defence against their neighbours. And I would have availed myself of the opportunity to prescribe certain general* principles on the important question of disarming India, pointing out under what circumstances and in what localities the measure might be practicable and justified, and *vice versá.*

(signed) *J. P. Willoughby.*

ENCLOSURES referred to in the Despatch of the Court of Directors, No. 29 of 1858.

No. 406 of 1857.—Secret Department.

From Major General *Roberts*, Commanding N. D. A., to *H. L. Anderson*, Esq., Secretary to Government, Bombay.

Sir, 12 December 1857.

I BEG to acknowledge the receipt of your letter, No. 3008, of 28th November, and in continuation of my communication of the 3d November, No. 306, I have the honour to report, that I have obtained the opinions of the different political and civil authorities throughout Guzerat, and the prevailing impression entirely corresponds with my own opinion, viz., that unless the population of the districts of his Highness the Gaekwar, and those of other adjacent States, were disarmed simultaneously with our own, the measure would be almost useless at any time; and that at the present it would hardly be advisable to attempt it, unless a sufficient force were disposable for the complete suppression of any outbreak which might occur in consequence, and which might require detachments in various directions.

2. The accompanying letter from Sir R. Shakespear to my address, in reply to a communication from me on the subject, will show that it would even be expedient to attempt to carry into effect in the Gaekwar's territory similar restrictive measures (registration of arms) to those now adopted in some of our zillahs, under the provisions of Act XXVIII. of 1857.

3. Major Whitelock informs me that he has issued a proclamation in the Maheekanta, forbidding the sale of arms, &c., without permission.

4. The

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* On this subject I beg to refer to paras. 3 to 7 of my former dissent; and for my opinion on the subject of attempting to disarm the Bombay Presidency, to a Minute I recorded "on the Police," dated the 11th April 1851, a few days before I resigned the service, and quitted India. In this I suggested a preliminary inquiry, with the view of ascertaining whether such a measure could be carried out without extraordinary risk and difficulty, but I never contemplated force and violence.

4. The registration of arms has been now quite or nearly effected quietly throughout our zillahs of Surat, Broach and Kaira; but in some quarters (as in the Kaira collectorate) not without causing a good deal of irritation, and some vexatious opposition.

5. In the Ahmedabad Zillah the measure (of registering arms) has not been carried into effect, for the reasons shown in the report of the superintendent of police to Mr. Hadow; and in both the views expressed in it, and in the opinion of Mr. Hadow, as set forth in the 2d para. of his letter, No. 1121, of 8th December, I most fully concur. Orders have, however, been issued, preventing the population carrying arms on the highways without permission, similar to those enforced in his Highness the Gaekwar's districts, as stated by the Resident of Baroda, in his letter, No. 1219, of 31st October.

6. I have the honour to transmit copies of the reports received from the different magistrates, and beg respectfully to state my hope that Government will approve of what has been done in this matter.

I have, &c.
(signed) *H. G. Roberts*,
Major General Commanding N. D. A.

No. 1219, of 1857.—Political Department.

From Colonel Sir *R. Shakspear*, Kt., Resident at Baroda, to Major-General *Roberts*, Commanding N. D. A., Ahmedabad.

Sir, 31 October 1857.

I HAVE the honour to acknowledge the receipt of your letter, No. 278, of date 27th instant, with enclosures, respecting my opinion on the practicability or otherwise of carrying into effect, in the districts of his Highness, the Gaekwar, contiguous to the Ahmedabad Zillah, restrictive measures similar to those about to be adopted in the latter districts, under the Bill published in the Government Gazette, dated 24th September last, pages 529 to 532, relating to the importation, manufacture, and sale of arms and ammunition, and for regulating the right to keep or use the same.

2. In reply, I have the honour to state that I have consulted the Ministers of this Durbar on the subject, and they inform me that such a general measure of registration of arms would, at the present moment, be extremely difficult of execution, and productive of great dissatisfaction and commotion, while it would to such an extent raise a clamour against themselves, as would in a great measure neutralise their power for good, as well as for assistance to ourselves in the present eventful times, when many measures which, for the general tranquillity of the country and for co-operation with our Government, they have been obliged to adopt have, among the ill-disposed and restless part of the population, created enemies to them, they having, of course, rivals, and have diminished their popularity, and consequent influence in the cause of order, with various classes of the population.

3. They, however, inform me that they would wish to co-operate to the best of their power, and are prepared to issue and enforce a very stringent order against the carrying of arms on the highways throughout the Gaekwar districts, except under passports, and that the fuller measures adverted to might possibly, at a subsequent period, be practicable.

4. Under all the circumstances of the case, I do not see that any general registration of arms could at present be enforced in the Gaekwar's country, or that I could further urge it with any prospect of success; and I hope, therefore, that a prohibition, well enforced, against the carrying of arms on the highways

ways by persons not in actual service as sepoys, police, &c., or not provided with passes, may, for the present, prove sufficient for the security and tranquillity of the country.

I have, &c.,
(signed) *R. Shakespear.*

No. 1121, of 1857.

From *J. W. Hadow*, Esquire, Magistrate of Ahmedabad, to Major General *Roberts*, Commanding Northern Division of the Army, Ahmedabad.

Ahmedabad Magistrate's Office,
8 December, 1857.

Sir,

In acknowledging the receipt of your letter of this day, No. 397, I have the honour to forward, for your information, copy of a letter from Major Agar, Superintendent of Police, in reply to my reference, and to state that, in consequence of the views therein expressed by that officer, and the impracticability, as it appeared from Colonel Sir R. Shakespear's letter to your address, No. 1219, dated the 31st October, of carrying out similar restrictive measures, at the present time, in the districts of his Highness the Gaekwar, contiguous to this zillah, I determined, on reconsideration, to postpone, for the present, issuing the circular order I had prepared for a general registration of arms, &c.

2. Should you, however, be of opinion that the measure might be attempted, I am quite prepared to issue the order, and see that it is carried out as far as practicable. At the same time, I think it right to state that the views expressed by Major Agar, and the general tenor of Colonel R. Shakespear's letter, have induced me to form a different opinion as to the utility of extending the provisions of the enactment in question to the districts of this zillah, until such time as similar restrictive measures may with safety be attempted in the contiguous districts of his Highness the Gaekwar, Kattewar, and Mahee Kanta.

I have, &c.,
(signed) *J. W. Hadow.*

No. 565, of 1857.

From Major *E. W. Agar*, Superintendent of Police, to *J. W. Hadow*, Esquire, Magistrate of Ahmedabad.

Sir,
Camp at Purantej, 29 October 1857.

I beg to acknowledge the receipt of your memorandum, No. 985, dated the 26th instant (and accompaniments), requesting my opinion as to the measures which, under existing circumstances in this zillah, it would be advisable to adopt in carrying out the orders of Government in reference to Act XXVIII. of 1857.

Copy of a letter from H. L. Anderson, Esquire, Secretary to Government, No. 3,394, dated 7th October.

Ditto from Commissioner of Police, No. 2,124, dated 9th October 1857.

Ditto of a draft circular, for the guidance of the different district police amuldars, with translation.

2. In reply, I beg most respectfully to state that, as regards the general question of disarming, I think the selection of the present time most unfortunate. On all former occasions when the question has been discussed, I most strongly advocated the measure; but then the country was quiet, and nothing beyond some trifling disturbance was to be anticipated. Now, however, the case is very different. Men's minds are unsettled all over the province; arms have lately been purchased in large quantities. Our Government has been making large enlistments, and the native states are bidding against us for men in our own districts; the country is in a state of excitement, expecting something; and although few men can probably say what it is they expect, yet all are on the alert, and ready to act as occasion may be, either in self-defence, or to take advantage of anything that may turn up. In proof of this, I may merely instance the fact of a Banian, named Nuggun Lall, having been able to collect about 200 followers in a few days in his Highness the Gaekwar's district of Beejapoor, with whom he proposed to advance on Ahmedabad.

3. I think, therefore, that any attempt at disarming at the present time would certainly be met with resistance; that it would cause a general distrust, and not improbably a general rising. The embers of an eruption lie smouldering, and only require a puff to set them in a blaze; whereas, if left alone, they would probably die out. It appears to me that the most judicious plan is to show as little distrust as possible compatible with due precaution, and that the surest way to allay excitement is to let the people see that everything is going on much as usual. We have gone through the worst of the crisis pretty well, and it would be a pity now to risk an outbreak by irritating the somewhat wild and excitable spirits of whom the rural population is chiefly composed.

4. Moreover, in this zillah, which is so entirely surrounded by and intermixed with the territory of foreign states and chieftains, it seems not only unjust, but impolitic, to prevent British subjects from carrying arms, unless the same rule be enforced in neighbouring states. It would be placing them entirely at the mercy of their armed neighbours, for no police or military force could possibly protect such a frontier line as we have; a glance at the map will show that 20,000 men could not do it.

5. And if there is to be no disarming, I cannot possibly see that any good will result from registering. At present every man is armed, and this is quite well known without a register. The tullalee of every village has a register of the adult male population, and that is a register of persons carrying arms. It seems, therefore, unnecessary to cause distrust and annoyance by calling for another register, unless there is an intention of disarming.

6. As regards that portion of the Act which prohibits manufacturing or dealing in arms or ammunition without a license, there will, I think, be no difficulty in carrying it out; but it will be of no avail in this zillah unless it is extended to the surrounding and intermediate foreign villages. The only effect will be, that the manufacturers will move to a foreign village, where they will be able to serve their old customers quite as well as before, and we should lose all our best blacksmiths, while the neighbouring chiefs will be gainers in point of revenue. The village of Peithapoor, the chief manufactory for matchlocks and sword blades in these parts, is not three miles from our boundary, nor sixteen from Ahmedabad.

I have, &c.,
(signed) *E. W. Agar*,
Superintendent of Police.

No. 715, of 1857.

From *George Inverarity*, Esquire, Magistrate of Surat, to Major General *Roberts*, Commanding Northern Division of the Army, Ahmedabad.

Sir, Surat, Magistrate's Office, 4 December 1857.

In reply to your letter, No. 372, of the 1st instant, I have the honour to inform you that the work of registering arms has been nearly completed in the zillah, and that a vast quantity of every description is shown to be in possession of the people, as an instance of which I annex in the margin* the number of all kinds registered up to this date in the city of Surat alone.

2. The sale and manufacture of ammunition is also prohibited, two Parsee dealers in Surat only being allowed to sell gunpowder, &c, for sporting purposes, and that under proper restrictions.

3. There is no doubt it would be extremely desirable to disarm the whole zillah; but as the people are generally well conducted, the measure could not be carried out without disarming the whole of the adjacent Gaekwar's territory likewise. This last is so intermixed with our districts, and the one dovetails in with

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* Muskets	539
Swords	1496
Bhallas	46
Khunjur, or Daggers	16
Puttas	29
Banoo	1
Beechwa	14
Sungin	6
Tuje	1
Arrows	298
Bows	3
Tolak	1
Nojo	1
Bayonets	2
Neewcha	6
Dhops	6
Bolun	1
Hool	1
Budchees	39
Sauch	1
Choorasur, large knives	169
Kuttar	207
Tubul	4
Turso	1
Sep	4
Gun	1
Koyeta	1
Fursee	1
Peshkub	1
Bookwor	2
Fego	3
Gooptees	179
Pistols	369
Jumbouras	46
Kuddabins	11
Teopunjas	22
Goorooj	3
Jumeeas	118
TOTAL	3,649

with the other in many places so closely, that it would be placing our people at an immense disadvantage with the subjects of the Gaekwar should one jurisdiction be disarmed and not the other—a disadvantage which would be the more telling, as there is no doubt the Gaekwar's police arrangements are very inferior to our own, and the opportunities for the organization of marauding bands much more favourable in that territory than in this.

4. The Dhurumpoor, Wansda, and Damaun territories should be disarmed also, if the measure for the Surat zillah is to work safely and effectually.

5. I am, therefore, decidedly of opinion that the collectorate should not be disarmed without a like measure taking place simultaneously in the adjoining Gaekwar, Dhurumpoor, Wansda, and Damaun states; but that if the measure can thus be made universal, it should be carried into effect as soon as practicable.

I have, &c.,
(signed) *G. Inverarity*,
Magistrate.

No. 70, of 1857.—Secret Department.

From *L. H. B. Tucker*, Esquire, Acting Magistrate of Broach, to Major General *H. G. Roberts*, Commanding Northern Division of the Army, Ahmedabad.

Sir, Broach, 5 December 1857.

In reply to your, letter No. 373, dated the 1st instant (received yesterday), I have the honour to state that I have not yet been able to obtain from the mamlutdars of the several districts of this zillah the registers of arms called for under the provisions of Act XXVIII., A. D. 1857. I have more than once desired them to hasten their preparation, and hope to receive them soon. When I have ascertained the number and description of arms in the possession of the people, I shall be better prepared to give an opinion on the necessity of disarming them, and the safety of carrying out such a measure.

I have, &c.,
(signed) *L. H. B. Tucker*,
Acting Magistrate.

No. 663, of 1857.—Judicial Department.

From *Alexander Gray*, Esq., Acting Magistrate of Kaira, to Major General *Roberts*, Commanding Northern Division of the Army.

Sir, Kaira, Magistrate's Office, 2 December 1857.

In reply to your letter, No. 375, of yesterday's date, I have the honour to inform you that the registration of arms in this magistracy is now nearly completed, and that I yesterday issued strict orders to close, and send in without further delay, all those village returns which have not yet been received by the district authorities.

2. The measure has, I believe, caused a good deal of irritation in some quarters, but all has passed off without any disturbance, of which I was at one time a little apprehensive. There has been some vexatious opposition to the registration, and, I have reason to suppose, a good deal of quiet evasion, by parties concealing their arms, or not coming forward as required; but on this point I shall be able to give a better opinion after the returns reach the Hoozoor. These evils were of course all to be anticipated, but the orders of Government on the subject left me no discretion as to carrying out that portion of Act XXVIII., of 1857, which relates to the registry of arms.

3. I am of opinion that it would be useless to attempt to deprive the people of their arms, unless it were done simultaneously throughout the Honourable Company's

pany's and all foreign territory in Guzerat, and with a sufficient force at hand to check any resistance that might be offered; and supposing there is to be no general or extensive disarming of the population, I think that the issue of licenses, as contemplated by the Act, would be not only useless, but a source of immense trouble and annoyance to all parties concerned.

I have, &c.,
(signed) *Alexander Gray,*
Acting Magistrate.

My Lord, Baroda, 7 January 1858.

ABOUT 1 p. m. yesterday I was honoured by receiving your Lordship's letter of the 2d instant, and at once forwarded the letter which was enclosed for General Roberts. I have taken a note of your Lordship's wishes regarding the detachments of the 86th regiment; they shall be collected here and sent to Mhow *viâ* Dohud as speedily as possible. I will write again on that subject to Colonel Bates, but I am most anxious to explain to your Lordship my reasons for wishing to detain at least 200 of the 72d.

Apart from all the arguments which induced General Roberts and me to think Europeans should be both at Surat and Baroda, I have lately had on my mind a consideration which will, I am sure, have great weight with your Lordship. It is, that I think I see a prospect of making some progress in disarming Guzerat generally. The enclosed paper has occupied time and thought, and some interesting conversations with Major Wallace. I send it unsigned, because I cannot bring myself to face the responsibility of saying (as yet), that if all my requests were complied with, I would promise to deprive all Guzerat of all weapons. Not even if your Lordship could give me all the troops detailed in the classification No. 1 of the enclosed form could I (as yet) venture to deprive the people of both swords and guns. But if I can be supplied with the details entered in No. 1 (or even with less), I am prepared at once to undertake to deprive all, but servants in the Gaekwar's service, of guns, *i. e.* small arms, matchlocks, &c., leaving the swords with all, except notoriously bad characters. Such villages as Peitahpoor (Kaira), on the Myhee, to be deprived of both sword and gun. To deprive of his sword is a personal disgrace, that would make so general a combination against us as to lead to more shedding of blood than I should like to have on my conscience; it would cause so much excitement, and such serious opposition, as might considerably hamper your Lordship's plans in Rajpootana. But the guns I will (if ordered) undertake to collect, and I think I can do so without bloodshed, if I am supported by such a display of military force as would make opposition hopeless; and No. 1 represents the force I should like to have.

My proposal is, that Captain Buckle shall be appointed British Commissioner and that Govind Rao's brother shall be Gaekwar's Commissioner, and that the two, acting together, shall collect the guns, muskets, matchlocks, pistols, &c.

I speak advisedly, and after due consideration, when I undertake to do as above; in short, I have ascertained that the ministers are prepared to do it. This, I am happy to say, I have carried without any reference to the three lac fine question, or any reference to it in any way. But swords they cannot and will not venture on.

I trust your Lordship will think this no small advantage gained, and if—

1st. Act No. XXVIII., of 1857, is made applicable; and if—

2d. Captain Buckle is appointed Commissioner to carry it out with a small office, and no one else is allowed to have anything to do with the measure; and if—

3d. The northern division is kept up to something near the strength detailed in No. 1,

Then I am prepared to be responsible for the success of the measure, as proposed in this letter; but I beg that nothing may appear in the Gazette about it until

until I am prepared to begin; and that no magistrate or his omlah be employed in any way, except as desired by me or Captain Buckle.

Having secured firearms, we can surely take the swords of bad characters, or of all who may in future commit acts of violence or robbery.

I remain, &c.,
(signed) *R. W. Shakespear.*

P.S.—I beg your Lordship's attention to the enclosed letter from Major Wallace.

My dear Sir Richmond, Baroda, Wednesday.

I HAVE read with much interest your paper on the disarming of Guzerat. I fully concur in your expressed readiness to proceed at once to the suppression of firearms, and feel no doubt, with the co-operation of the Gaekwar, of its entire success, without bloodshed. You know, from our several conversations on the subject, that I should have been prepared to include every kind of weapon in the same operation; but I do not forget that my opinion is not bound up with the responsibility of the measure as yours is; and seeing so clearly as I do how great a stride it will be to obtain possession of all firearms, I waive my proposal altogether in favour of your practical measure.

Wishing you entire success in this great work of peace and civilisation,

I am, &c.,
(signed) *R. Wallace.*

My Lord, Baroda Residency.

I TRUST that the importance of the subject I am about to discuss will excuse my trespassing upon your Lordship's valuable time, and that the great delicacy of the nature of my propositions will justify me in your Lordship's eyes in writing direct, and not through any official channel.

Since the arrival of Major Wallace, I have had one or two conversations with him regarding the possibility of disarming the whole of Guzerat.

Your Lordship is, doubtless, aware that the subject was discussed in 1855, and that the Bombay Government has again urged it during 1857. My discussions with Major Wallace have led me to reflect how many circumstances in our present position are peculiarly favourable for taking up the matter now.

1. We shall never again have so strong an argument to justify disarming the people as we can now urge in the late turmoils.

2. It is unlikely that the military and the political powers will be again found in the hands of one officer.

3. The vast armies advancing in Malwa and towards Rajpootana, and even in Sinde, will make our Government stronger in three months hence than it ever has been hitherto.

The above-mentioned three arguments have led me to reflect whether it is not possible to carry out a measure which I know will be most distasteful to the durbar and the nobility at Baroda.

I need hardly tell your Lordship that to deprive a man of rank in India of the arms of his followers is about the greatest indignity that can be inflicted on them. Were I to make the proposal at the present moment to the ministers, I feel sure that they would refuse to undertake it, and would resign. The King, too, on hearing of such a proposition from me, would say, "This is the reward of my fidelity; while they were in difficulties I stood by them, and now that they have recovered their position, and gained strength, they turn round upon me, and try to deprive my people of their arms." He and his ministers would view the proposition not only as an act of ingratitude, but of treachery.

The measure is so repugnant to all their feelings, and would bring upon them so much unpopularity amongst people of great influence, and also with their own

own personal friends and associates, that, to give the person proposing it a shadow of a chance of success, he ought to be able to show, by past acts of friendship, that it is impossible for him or his Government to advocate a measure injurious to the native state.

My present position at this native court is most satisfactory for conducting the ordinary routine of business. I believe I have the entire confidence of both the King and the ministers, but I cannot say I have any claim upon which I could base a request that they should carry out a measure which they will think injurious both to their power and their dignity. They have complied with every requisition I have made; they have been strictly faithful to us throughout our trials; and it is but reasonable that they should look to reaping some reward for their services.

Your Lordship is aware that General Roberts has recorded his opinion, that the fidelity of the Guicowar has enabled him to hold the province. I shall be shortly submitting letters from him, Captain Buckle, and the Brigadier commanding at Baroda, showing the nature and extent of the aid received from this durbar; and, altogether apart from the question of disarming, I should have felt compelled to submit a proposition as to the propriety of remitting the fine of three lacs a year which was in 1841* imposed on this durbar as a punishment for offences committed. Your Lordship is aware that, on the Guicowar of the time binding himself to make the payment, Sir J. Carnac wrote a khureeta, authorising the reduction of 3,000 contingent horses to 1,500.† The durbar brought forward the khureeta when Major Davidson was here, and they urged it very strongly on me directly I arrived, and they claimed to be allowed to carry out the reduction.

* *See* para. 191 of "Baroda Precis."

†*See* Appendix (D.) of "Baroda Precis."

The Maharaja himself spoke to me frequently about it; but from the date of our hearing of the mutinies, neither King nor ministers have said one word, nor have I held out any other promise than that which I was authorised to make, namely, that fidelity during the crisis would not be overlooked.

I am prepared to be responsible for proving—

1. That the three lacs for the Guzerat Horse was imposed as a punishment solely, as will be clearly seen on a reference to the document marginally noted.

2. I am prepared to prove that the fidelity of this durbar has been unquestionable throughout this crisis, and that we have derived material aid and great moral support from this fidelity. This point, I think, your Lordship is well prepared to admit.

3. A reference to the document marginally noted will at once show that Sir James Carnac did authorise‡ the Gaekwar to reduce his horse from 3,000 to 1,500. Your Lordship is, I conclude, aware that the political agents in Kattywar, Myhee Kanta, Rewa Kanta, and Pahlunpoor would find themselves unable to carry on the management of their districts if that reduction was carried out. We should be compelled, with only 1,500 contingent horse, to entertain another regiment of irregular cavalry; and even with it the duties would not be so efficiently performed as they are with the 3,000.

I submit that these points justify me in saying, that both justice and sound policy should lead us to cancel the fine of the three lacs and Sir J. Carnac's khureeta at one and the same time.

I will now endeavour to show that there is a fair probability of this act of justice and generosity enabling me to carry out the measure of disarming the whole population of Guzerat.

Unfortunately there is no complete map of the Gaekwar's dominions. I have had them defined on a map in this office, and a glance at it shows how utterly futile

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‡ "Should your Highness at any period desire to reduce your contingent to that number, 1,500, or employment in those provinces, no objection will be raised to that proceeding."

futile would be any attempt to disarm Guzerat, unless the Gaekwar agreed that his own districts also should be disarmed; but if your Lordship will refer to the accompanying sketch of the Gaekwar's district of Pitland, it will be at once apparent how useless it would be to disarm all villages in the red (British colour), while all in the yellow (Gaekwar) retained their arms. South of Surat, the Wusranee (Gaekwar) districts are even more interlaced with our own possessions; it is therefore clear, that to carry out the measure efficiently we should begin by securing the consent and simultaneous co-operation of the Gaekwar.

In my opinion, the turning point in the whole question would be the disarming of the city of Baroda. I am strongly of opinion, that if I can disarm the populace of the capital without an affray, I shall have no difficulty with the rest of the Gaekwar's possessions; and having carried them, I should consider our own districts comparatively easy.

In two words, I argue, that if I can show a reasonable prospect of disarming the capital, I shall prove that I am not unreasonable in anticipating success throughout Guzerat.

My whole hope of success is founded upon the very great influence that I should personally acquire, if I carried the proposal I have made regarding the remission of the three-lac fine. With this influence I should have no hesitation at all in opening the subject at this Court; but without this influence it would only be injurious for me to incur the suspicion of ingratitude and treachery.

My first step would be to explain, that it was no part of my plan to unnecessarily degrade or hurt the feelings of any respectable person; and that, so far from desiring to reduce the strength of the Gaekwar's own troops, I should not be at all sorry to hear that it was his Highness's intention to entertain another regiment of Mahratta foot, and that it was my intention to propose to the Right Honourable the Governor General of India in Council that the British Government should present to his Highness the Gaekwar two field-pieces, his own being very defective; also that I did not contemplate depriving the nobility, whom I look upon as his Highness's own soldiers, of their arms. Having thus broken the ice, I should propose that the Maharaja directed a list to be prepared of all nobles and men of rank whom he wished to be allowed to keep armed retainers; that they should be classified, and the maximum should be for the person of the highest rank, the other grade being limited to a certain number of arms in proportion to their rank.

A great discussion would take place before the maximum could be fixed, but that once reduced to the utmost limit that my influence could effect, the remainder of the process would be very simple; and, notwithstanding the number of arms that would still remain in Baroda, I think a vast number, say 20,000 stand of arms, would be surrendered.

At any rate, the great principle would have been established, namely, that the surrender of arms is a measure which the British and the Gaekwar Governments have combined to effect, and one that the nobility of Guzerat can submit to without degradation.

While the result was doubtful, I should consider it necessary to assemble every available man in the division under my command, at or near Baroda; but it is only the conviction that I could carry out this measure without bloodshed or an affray that would induce me to submit the proposal at all.

The capital once disposed of, I should consider the main difficulty as overcome; but I should like to show that I have considered the subject in all its details, and therefore proceed to enter upon an outline of what I should like to pursue.

I should like to have an officer, in whose judgment, tact, and resolution I had unlimited confidence, appointed as Commissioner for disarming Guzerat, and I should prefer to any other officer with whom I am acquainted, Captain Buckle. The system I should like him to adopt would be to ascertain the number of villages, and an approximation to the population of each village, and the rank and hereditary consideration amongst neighbouring villages of persons of influence.

We are not proposing to disarm a conquered country. On the contrary, so far as the Gaekwar is concerned, we are dealing with a king and people who have been faithful to us at a time when treachery would have been most injurious; and throughout Guzerat, we should, I think, bear in mind, that so far from the people taking advantage of our weakness, there has actually been less crime in the form of highway robbery or docoity than in ordinary years.

As we have to deal with a population under such circumstances, and as we are about to carry out a measure which will be most unpalatable and unpopular with them, it behoves us diligently to search for that mode of procedure which will enable us to carry out our wishes without violence. Success will depend very materially upon the personal character of the officer appointed Commissioner; but there is one point which appears to me essential, namely, that the whole measure should be in the hands of one officer. I should be very sorry to see it entrusted to the officers of districts in our own territories. I should like their duties, as connected with this measure, confined to supplying information and aid to the Commissioner for disarming. I should like his operations at the commencement to be confined between the limits of the Myhee and the Nerbudda rivers. This would embrace Baroda Khas for the Gaekwar, Broach for ourselves, and nearly the whole of Rewa Kanta for Scindia, and a variety of other chiefs. Amongst the latter, Captain Buckle's experience would be invaluable. The Nerbudda and the Taptee would offer another convenient limitation.

North of the Myhee, the great importance to ourselves of this measure, and the difficulties of carrying it out, would commence. I conclude, that Kattywar is altogether out of the question, and also Cambay, but it would not require much skill to hit upon a line between Dehwan on the Mhye, and Pantree on the Runn of Kutch, along which a chain of posts, judiciously laid, would effectually prevent the passage of armed men without passports. Some such arrangement could be made from Pantree up to Deesa, but very great tact would be required to carry on the line from Deesa, through Edur, to Khairwara, and so on to Jhallode and Dohud, so completing our western frontier.

I am not so sanguine as to suppose that so vast an extent of territory, the inhabitants of which have from time immemorial habitually carried arms, can be disarmed during one season.

My object in writing this paper has been to endeavour to explain why I have arrived at the conclusions—

1st. That the disarming of Guzerat can only be effectually carried out by carrying the Gaekwar with us, and commencing at his capital.

2d. That the present moment offers us advantages in dealing with the Gaekwar, which we cannot hope for again.

3d. And that by performing an act of justice and generosity towards the Gaekwar, we shall gain an advantage which will enable us ultimately to control the whole of Guzerat with a strong hand, and yet with a small force.

I am well aware that the option of remitting the fine of three lacs does not rest with your Lordship, and that the ultimate decision must be with Calcutta; but the interests of your Lordship's Government are so materially involved in the matter, and the proposal to disarm Guzerat is so especially your own, that I think it much better to address my letter to you, in the hope that your Lordship will forward it, with such remarks as may be necessary, to Lord Canning.

Long as this letter already is, I find I have omitted three important points:—

1st. How can we take arms without giving compensation to the owner in districts in which no offence has been committed?

These arms are sometimes really valuable, and some will doubtless have been bought and paid for in hard cash.

2d. It may be questioned whether it is sound policy to initiate a very unpopular measure in Guzerat, just as we are about to make an advance based on Guzerat.

A failure would seriously hamper General Roberts; and to make sure of preventing a failure, I should have to ask for a larger European force in Guzerat than would have been otherwise sufficient.

I have endeavoured to show in one detailed form, enclosed herewith, all the details

details at each station for Guzerat under three classifications, Nos. 1, 2, and 3. No. 1 includes the force advisable to have at each station in Guzerat if the disarming is to be carried out, and No. 2 shows the least force which I think should remain in Guzerat if no disarming takes place, and if my duties are to be confined to supporting General Roberts, and preserving tranquillity throughout the province.

At the foot, under heading No. 3, I have entered the force in Guzerat as it stood in 1844, according to the best information I can procure here, and it would appear, that even to disarm the country, although I ask for an excess of 3⅔ batteries of artillery, my strength in cavalry would be 700 less, and in infantry 1,400 less than was considered necessary for Guzerat in 1844.

If I included Kattywar, my argument would be much strengthened.

If no disarming is to occur, I hope a comparison with the headings, No. 1, 2 and 3, will show that the force I ask to enable me to hold the province, as the base of a grand military measure, will not be deemed unreasonable.

Of course I will disarm, or hold the country without disarming, with any force the Government can spare me; but equally, of course, it is my duty to state to the head of the Government what I believe, after careful consideration and inquiry, is advisable as a force for either purpose.

Escorts for supplies, stores, &c. &c., I could manage to Deesa by permanent posts from the contingent horse, if I insisted on the Commissariat sending every thing by one road only.

3d. There remains the third point, viz., along by Kattywar, but more especially on my eastern frontier, what security could I give to the disarmed districts against incursions from the armed countries beyond my limits.

To enter into details is unnecessary, but I am prepared to undertake to prevent inroads from without, if Khairwara and Bhopawar are strongly held.

DETAIL OF TROOPS, GUZERAT.

No. 1.—If Disarming is to be carried out. No. 2. If no Disarming. No. 3. Strength in 1844.

	SURAT.			BROACH.			BARODA.			AHMEDABAD.			DEESA.			LIGHT COLUMN.			TOTAL.		
	Batteries of Artillery.	Cavalry Sawars.	Infantry Soldiers.	Batteries of Artillery.	Cavalry Sawars.	Infantry Soldiers.	Batteries of Artillery.	Cavalry Sawars.	Infantry Soldiers.	Batteries of Artillery.	Cavalry Sawars.	Infantry Soldiers.	Batteries of Artillery.	Cavalry Sawars.	Infantry Soldiers.	Batteries of Artillery.	Cavalry Sawars.	Infantry Soldiers.	Batteries of Artillery.	Cavalry Sawars.	Infantry Soldiers.
No. 1.																					
Europeans	–	–	100	–	–	–	1	–	300	1	–	400	1	–	400	1	200	400	4	200	1,800
Natives	–	–	500	–	–	300	1	–	400	1	100	800	–	100	400	1	200	400	3	400	2,800
TOTAL	–	–	600	–	–	300	2	–	700	2	100	1,200	1	100	800	2	400	800	7	600	4,400
No. 2.																					
Europeans	–	–	100	–	–	–	1	–	200	1	–	500	–	–	400	–	–	–	2	–	1,200
Natives	⅓	–	500	–	–	300	–	–	500	1	150	500	⅔	150	600	–	–	–	2	300	2,400
TOTAL	⅓	–	600	–	–	300	1	–	700	2	150	1,000	⅔	150	1,000	–	–	–	4	300	3,600
No. 3.																					
Europeans	–	–	–	–	–	–	–	–	–	–	–	–	1	–	800	–	–	–	1	–	800
Natives	⅓	–	800	–	–	200	1	–	1,600	1	800	1,600	–	500	800	–	–	–	2⅓	1,300	5,000
TOTAL	⅓	–	800	–	–	200	1	–	1,600	1	800	1,600	1	500	1,600	–	–	–	3⅓	1,300	5,800

Return of the **Troops** which will remain in Guzerat after furnishing for the Rajpootana Field Force, and completing Reliefs.

CORPS.	Non-Commissioned Rank and File.		REMARKS.
	European.	Native.	
AHMEDABAD.			
1st Company 1st Battalion Artillery, No. 3 Light Field Battery.	79	74	(Hach's.)
2d Company 3d Battalion Artillery, No. 12 Light Field Battery, and Head Quarters.	3	93	(Hossacks.)
3d Company Sappers and Miners - - -	3	107	
Head Quarters Her Majesty's 89th Regiment -	398	—	
2d Grenadier Regiment N. I. - - -	1	554	
7th Regiment N. I. - - - - -	1	892	
Detachment 14th Regiment N. I. - - -	- -	122	
BARODA.			
Wing of Hill 4th Foot (say) - - -	300	—	
3d Company 3d Battalion Artillery, No. 13 Light Field Battery.	- -	78	
8th Regiment N. I. - - - - - -	- -	602	
10th Battery 1st Battalion Royal Artillery -	187	- -	From Kurrachee.
BROACH.			
Head Quarters 11th Regiment N. I. - -	- -	602	
DEESA.			
1st Squadron 2d Cavalry - - - -	- -	178	
Detachment Her Majesty's 89th Regiment -	264	—	
Depôt Her Majesty's 83d Regiment - -	—	—	
Head Quarters 17th Regiment N. I. - -	- -	467	
GOGA.			
Detachment 11th N. I. - - - - -	- -	49	Under orders from Bombay.
NANDODE.			
Detachment 11th N. I. - - - - -	- -	110	Ditto.
RAJKOTE.			
Detachment 1st Company 3d Battalion Artillery	- -	31	
Wing 17th Regiment N. I. - - - -	- -	389	
DOHUD.			
Detachment 8th Regiment N. I. - - -	- -	105	
SURAT.			
1st Company Her Majesty's 51st Foot - -	100	—	
Detachment 1st Company 3d Battalion Artillery	- -	34	
16th Regiment N. I. - - - - -	- -	872	Under orders from Sinde.
ABOO.			
Detachment Her Majesty's 89th Regiment -	55	—	
Detachment Her Majesty's 83d Regiment -	14	—	
TINTONEE.			
Detachment 2d Company 3d Battalion Artillery	- -	32	
Detachment 2d Grenadier Regiment N. I. -	- -	280	
SADRA.			
Detachment 7th Regiment N. I. - - -	- -	49	
Detachment 2d Grenadier - - - -	- -	21	
GODRA.			
Detachment 8th N. I. - - - - - -	- -	51	
JUMBOOSEER.			
Detachment 8th N. I. - - - - - -	- -	26	
TOTAL - - -	1,405	5,818	

(signed) *R. Phayre*,
Lieutenant Colonel.
Quartermaster General.

Quartermaster General's Office,
19 January 1858.

My dear Bates, Baroda, 8 January 1858.

MANY thanks for your kind note. You have always been a good friend to me. Will you kindly mention to Lord Elphinstone that I have proposed to General Roberts that I shall detain 200 of the 72d Queen's, and that 100 remain here, and the other 100 go to Surat, to relieve the detachment at that place. It has also been arranged that, on the departure of the Grenadiers from Broach, the 100 of the 86th at that place shall come to Baroda. A detachment of 110 of the 86th arrived here to-day from Ahmedabad, and there are 30 men of that regiment to follow, who had been sent on some duty. When all are collected from this, Broach, and Surat, there will be about 330 Europeans, and there is no difficulty in forwarding them direct to Mhow *viâ* Dohud.

You will have noticed that in the early stage of our difficulty I was willing to do without Europeans, whereas I have of late strongly advocated the propriety of keeping them. This may be supposed to be inconsistent, but the fact is that the Myhee* conspiracy and the intention of reducing the strength of native artillery, are two elements of danger which never entered into my calculations when I was so ready to do without Europeans.

* Kaira.

My letter to Lord Elphinstone of yesterday's date will have explained other strong reasons for desiring the presence of Europeans in Guzerat.

Will you kindly explain to his Lordship that if the proposal I submitted yesterday is approved of, I should like to have a letter from Government (to make use of when the fitting time arrived), bringing the Broach district only under Act No. 28 of 1857. My plan would be, to work that Act up to the fullest powers of Section 4, in the city of Broach itself, and on the four or five villages of its district, which are well known to have combined with a view to attacking Broach when Mr. Davies was there. In the above-mentioned places I would advise that no weapon, either sword or gun, be allowed to remain with any person not in Government employ. There is a notorious robber village in the Jumboosir purgunnah on which I should like to bring Section 4 to act rigidly; but, with these exceptions, I should feel disposed to take merely fire-arms, leaving swords, but registering those weapons.

I beg to propose that the following papers be sent me:—

1st. A commission for Captain Buckle, accrediting him as commissioner on the part of the Bombay Government, to act under my orders, for the purpose of carrying out Act 28 of 1857, in the Broach district.

2d. A similar commission also to Captain Buckle, in such form as may be proper for the native states of Rewa Kanta.

3d. A letter to the senior civil officer in the Broach district, directing him to carefully explain to all his subordinates, European and native, that the measure had been trusted solely to Captain Buckle, acting under my instructions, and that every person in Government employ was expected to afford him every possible aid in his power, and that any one who failed to do so to the utmost of his ability would be visited with the severest displeasure of Government.

4th. A separate commission for Captain Buckle, empowering him to apply the Act at once to such villages in the Kaira district as he may find (during his trial of prisoners) to have been concerned in the contemplated attack on this place.

I have sent two telegraphic messages, and have also written by post, begging that Captain Buckle's commission may be extended, to enable him to try the prisoners of the Kaira district. We have here six men, Gaekwar's subjects, some of them men of influence, tried and sentenced by General Roberts as having been engaged in the same plot. They were voluntarily forwarded to Ahmedabad by the Gaekwar for trial, and, of course, their sentences must be confirmed by his Highness, and the executions take place within his limits.

I should much like, before anything is done, or even known, about the intention of disarming, that all the trials on the Myhee should be completed, and that the executions of our own subjects and of the Gaekwar's should take place at one and the same time on the opposite banks of the Myhee river. Immediately after the execution, I should like Captain Buckle to apply Act 28 of 1857 in all its

its severity to Pertabpore and the other villages concerned in the plot. It would be necessary to have a force of some little strength to preserve the peace during the executions, and I think I could arrange with the same force to immediately apply Act 28 to those villages.

Having completed this, Captain Buckle could commence operations in Broach, while I, through the Durbar, commenced disarming the city here of fire-arms.

To do all this without a check, and so overawe the people as to prevent opposition, I should require a much stronger force than I shall have here after I have sent away the 330 of the 86th towards Mhow; but with these and two European guns which I could get from Ahmedabad for the purpose, I should be in position to commence at once: I should be sadly hampered for want of cavalry, but I suppose it is quite useless to ask for them.

We had our first execution here to-day; a wretched man tried and sentenced by General Roberts for treason, north of Ahmedabad, was hanged in the bazar of camp; all passed off quietly, but the burying the body by the hands of bungies appeared to cause some sensation.

Ever, my dear Bates,
Yours, &c.,
(signed) *J. R. Shakespear.*

P. S.—I shall write to-day to Mr. Inverarity, at Surat, asking him if he cannot do for a short time without Europeans, so as to let the detachment of the 86th now there, come up here without delay. If he cannot, could not 100 men be sent up in a very brief time from Bombay to Surat?

(signed) *J. R. Shakespear.*

My dear Bates, Baroda, 13 January 1858.

Will you kindly mention to Lord Elphinstone, that I sent copies of all my letters about disarming to General Roberts, and yesterday evening received a letter from him, of which the enclosed paper gives extracts. His Lordship will observe, that the Major General disapproves of the proposal. Major Wallace feels sure that he "could disarm all Rewa Kanta with two companies, native infantry, and 50 horse."

I am still of opinion, that if—

1st. Troops are place at my disposal equal to Statement No. 1;

2d. If the measure is entrusted to me and Captain Buckle;

If both these can be granted, then I have so good a prospect of success, that I ought to undertake it if the Government desire it.

I am so particular about including the civil authorities, because I know that their native amlah would render the measure abortive, and I feel sure that if they are to have a share in it, the Durbar will hang back.

My views are not limited to the disarming. I look beyond to carry the Durbar so cordially through the measure as to lead to a satisfactory solution of the great problem, "How to introduce one police for all Guzerat, including the Gaekwar's territories;" but I won't enter into that measure (in writing) until I have done with the disarming. I fear Lord Elphinstone entirely misunderstood my meaning about the Foujdari Commissioner. The new Acts and Commissions are ample for dealing with treason and traitors; but what I wanted was to be able to deal vigorously against robbers and rogues. I am serious in saying, that the ministers here have often talked of the protection such knaves derive from appeals in Foujdari cases resting with the Sudder. I dare say you have heard that the Sudder is known through the country of the "Kaidees' ma Bap."

Ever yours, &c.
(signed) *R. Shakespear.*

EXTRACT of a LETTER from Major General *Roberts*, Commanding N. D. A., to Brigadier General Sir *R. Shakespear*, Knight, dated Ahmedabad, 11 January 1858.

My dear Sir Richmond,

I WILL now write you a few lines in reply to your letter of the 9th instant, to the question of disarming. It is a gigantic business, and I confess I do not think this is quite the time to commence it; should anything in the shape of opposition take place, it would be sure to spread, and take throughout so large a tract, viz., from the Saone River to the Nerbudda, a force, or rather many columns, to suppress it, and this at a time when operations may be carrying on above, and supplies required to be continually passing up. My idea is to have every thing settled in Rajpootana, and indeed the country quite settled after its late heavings, and then you will be in a position to carry out measures, however strong and unpalatable. You must include the Myhee Kanta, Rewa Kanta, Katteewar and Kutch.

I think the most that can now be done would be to have police thannas in numbers, and make it punishable to carry arms anywhere without a permit, and to disarm all that were caught with them.

The disarming must, I should think, be done everywhere simultaneously, or those expecting it to be their turn would assuredly bury their arms or conceal them. A better way of dealing with fire-arms at present would be a very strict injunction to prevent the sale of gunpowder or its component parts. A heavy fine of 500 or 1,000 rupees once or twice exercised would soon stop it; in the meantime let Government buy up all in hand.

* * * * * * * * *

If, however, you could disarm the chief cities, Baroda, Broach, Surat, and Ahmedabad, an immense advantage would be gained, and this might all be done at the same time.

I will think over what you say about Sucaram and your northern districts.

My Lord, Baroda, 22 January 1858.

IT affords me much pleasure to state that the Ministers this morning brought me, in a detailed form, a written proposition of the manner in which they would propose to carry out the great measure of disarming throughout the Gaekwar's territories.

I enclose a translation of their paper. Its conditions are so ample that I was surprised as well as pleased, but after discussing the question in all its bearings, and after putting to them risk of failure, I am convinced that they are in earnest, and that they are equal to what they are certainly willing to undertake.

To me it appears a matter of great congratulation that two men of such caution and ability should be willing, and feel themselves equal, to undertake so important a measure.

They make no limits whatever, and are prepared to carry out the disarming throughout the Gaekwar's territory, as detailed in this paper.

The matter is now in your Lordship's hands.

The great difficulty which has hitherto impeded this most desirable measure has now been removed.

The Gaekwar's Government cordially agrees to disarming the whole of the territory within its jurisdiction.

It remains for your Lordship to decide—

1st. What force is available.

2d. In what mode the operation shall be conducted.

With reference to both points, I have fully detailed my views in my letter forwarded to your Lordship on the 7th instant, and my note to Colonel Bates of 8th idem.

If the force I have mentioned cannot be given, I will undertake the measure with less; and if your Lordship finds it impossible to place the matter in the hands of one Commissioner, I will endeavour to carry it out through the civil officers of districts.

But in the latter event, I hope I shall not be misunderstood in saying that the "superintendence of political affairs in Guzerat" does not give me that well-defined and prominent control over civil officers which would be, I think, essentially necessary to enable me effectually to superintend the details. Nor should I, without some greater powers than I at present possess, be enabled to secure that active and cordial co-operation between the Gaekwar's and our own officers which I deem necessary to secure success.

I remain, &c.
(signed) *R. Shakespear.*

TRANSLATION of MEMORANDUM by MINISTERS.

1st. THE servants of the state, and the servants of officers of the state, and the servants of soucars, shall be registered; the swords and shields shall remain with the sepoys, but the guns in charge of their masters. When the sepoys go on duty, then the masters may give them the fire-arms. The master shall give in a register of all arms.

2d. All men out of employ shall give up all arms. If any such persons subsequently get service, they shall make a representation to the Sirkar; and, if the person wishing to employ them is a respectable, trustworthy person, the arms of the sepoy shall be restored to the said respectable person, on his giving security; if the sepoy is dismissed by him, the master is responsible for the arms.

3d. In the whole of the districts a list shall be prepared of all arms or fire-arms. Such men as are respectable and trustworthy shall receive back their swords; but all the fire-arms shall remain with the Sirkar; when occasion arises, the Sirkar will restore the fire-arms.

4th. All who obey the above orders will be patronised by the Government [Gaekwar's]; all who disobey or make difficulties will be deprived of both swords and fire-arms.

5th. The makers of fire-arms will have to give security not to manufacture or sell fire-arms without the permission of the Government.

6th. The sellers of gunpowder and lead must give security to Government not to dispose of those articles without permission.

MINUTE by the Right Honourable the Governor, dated 8 February 1858.

I HAVE lately received several communications from Brigadier General Sir Richmond Shakespear on the subject of disarming the population of Guzerat.

I have long been convinced of the importance of carrying out a general measure of disarmament in this Presidency. Recent events have certainly confirmed and strengthened this conviction; but, independent of these events, the practice of carrying arms seems to me to belong to a rude and lawless state of society, and to be inconsistent with that sense of security and protection which a strong and settled government ought to inspire. In a country governed by foreigners and inhabited by people of different races and religions, the impolicy of allowing any to carry arms appears self-evident. But I need not appeal to theory, when experience is clearly in favour of disarmament.

In 1842, I proposed to disarm the Moplahs on the Malabar coast; but this measure, being opposed by my colleagues in the Madras Government, was not carried out until many years afterwards; had it been adopted when I proposed it, many desperate affrays would have been prevented, and many valuable lives, including that of the late able and indefatigable collector and magistrate of Malabar, the lamented Mr. Conolly, would have been preserved. Probably nothing has contributed more to the maintenance of tranquillity in Sind and in the Punjab than the disarmament of these provinces by Sir Charles Napier and Sir Henry Lawrence. I believe that Mr. Frere and Sir John Lawrence are both of this opinion. Long before the recent disturbances, I had entertained the idea of disarming Guzerat; I found, however, that the intermixing of foreign territory with our own in that province rendered the measure one of great difficulty. Our talookas and villages, and the Gaekwar's especially, are so dove-tailed into one another, that to disarm the one without the other would be impossible.

More recently the question of disarming Guzerat, under the provisions of Act 28 of 1857, was referred to General Roberts; but the answer we received from him was not encouraging. He consulted Sir R. Shakespear and the magistrates of the different zillahs, but Sir Richmond was under the impression that even the registration of arms would be attended with great difficulty in the Gaekwar's districts; and our officers were all of opinion that it was useless to attempt to disarm the British districts of Guzerat, while the Gaekwar's and other native territories were full of arms. Major Agar, indeed, the superintendent of police, Ahmedabad, went rather further than this, and declared that any attempt at disarming would, in his opinion, be met with resistance, and that it would cause general distrust, and, not improbably, a general rising.

I was, therefore, not prepared to receive from Sir Richmond Shakespear a proposal to disarm the whole of Guzerat. His proposal, however, at first was clogged with some conditions which it was not in the power of this Government to grant: one of these was the cancelment of the stipulation by which the Gaekwar, in 1841, agreed to pay an annual subsidy of three lacs of rupees; another

another was the augmentation of the force to be stationed in Guzerat, to an extent with which, as far as artillery is concerned, we could not comply without denuding other provinces. These conditions, however, are no longer insisted upon. It will be seen, by Sir R. Shakespear's letter of the 22nd ultimo, that the Gaekwar's government has entered, not only unconditionally, but most cordially, into the proposal; that they are willing at once to take away all fire-arms, leaving only swords with those whom they consider "trustworthy and respectable," the only exceptions being "servants of the state, servants of officers of the state, and servants of Soucars;" and even with these the fire-arms are to be in the custody of their masters, and they are only to be armed with them when they go on duty.

With regard to the increase of the force in Guzerat, likewise, Sir Richmond Shakespear is disposed to undertake the measure with fewer troops than he at first proposed.

It will be perceived, from the dates of the letters (which I shall append in original to this Minute) that Sir Richmond Shakespear had received General Roberts' letter of the 11th ultimo, in which he repeats his objections to the undertaking at the present moment, and that notwithstanding these objections, he is ready to carry it through.

I should have much hesitation in recommending to the Board the adoption of this measure, important as I consider it at this particular time when General Roberts, in whose local knowledge, excellent judgment, and great practical experience we have all so much confidence, is in favour of delay, if it were not for the following considerations which are adverted to in one of the appended papers:—

1stly. It is not likely that the whole military and political authority in Guzerat will again be united in the same person, and even if they were, that the individual holding these powers will enter into the views of the expediency of this measure so cordially as Sir R. Shakespear does.

2dly. Such an argument in favour of the measure as the late revolt supplies, is also, I hope, not likely to happen again, and if it were, it is possible that we might not find the Gaekwar's Durbar inclined to co-operate with us so loyally as it now is. I am also able to state that Major Wallace, whose opinion is justly entitled to the greatest weight, considers the measure not only most desirable, but comparatively easy of accomplishment. I am not at liberty to append to this Minute a private letter which I have seen from him upon this subject, but I may, I feel assured, copy from it the following extracts:

"I see clearly before me the carrying out of the greatest measure ever proposed for Guzerat."

"Sir Richmond being the great military and political chief of Guzerat, we have the most favourable conjuncture possible."

Major Wallace thus describes the mode in which he thinks the disarming might be effected:—

"I do not think we could safely allow disarming to go on simultaneously in all the zillahs. We must sweep the country by degrees, and we must take the Gaekwar's country as it comes in our way. We require a sole commissioner to superintend both operations and to direct the force. Should it ever be required to act, which I hope and believe will not be the case, Sir R. has selected Buckle, and a very good man too, but he must act in co-operation with and under the local knowledge of the several magistrates, who alone have the power and the information to decide who may and who may not have arms in their possession. With this information he should have the zillah police placed under his orders for the time and for the purpose. I suppose that he will begin operations in the Surat zillah. The following moveable column will be located in a central position to overawe the country, while the police superintendent, under his direction, enforce the Arms Act: viz., 100 Europeans, 200 native infantry, 100 horse. A second detachment of the same strength will occupy a line to cut off the Surat from the next zillah; and so to prevent any combination or movement which the panic of the disarming in one zillah might possibly cause in the next. Two guns to be attached to each column. Any exceptions, whether of individual or of communities, would rest with the local authorities acting in concert with the commissioner; but all penalties awarded by the Act, must and ought, I think, to be left to the local authorities, except, of course, when open opposition would render the action of the military force requisite. I cannot enter into the probable

probable arrangements in the native states or on our frontier lines, but I see no great difficulty in them, and we shall probably never have such an opportunity again."

"We make use of the word disarm, which sounds rigorous, but the procedure under the Act very much alters the practical effect. The large discretion left with the magistrates and local officers ought to be so used as to disarm the hostility of all the respectable classes."

I have transcribed these extracts to show that Major Wallace enters heartily into the proposed measure, not to fetter Sir R. Shakespear by prescribing the exact course which he recommends for carrying it out. The details should be left entirely to Sir Richmond Shakespear, and to his deputy and the local officers.

It is, however, essential that Sir Richmond Shakespear's position should be clearly defined, and that he should be formally invested with the full powers of a political commissioner in all the districts in Guzerat which are under the political control of this Government, in the same manner that Colonel Jacob has been invested with these powers in Kolhapoor and Sawunt Waree. I would further empower him to appoint Captain Buckle his deputy, for the purpose of carrying out the measure of disarming.

A comparison of the detail of troops required, if disarming is to be carried out, No. 1, with the return from the Quartermaster General's Office of the troops which will remain in Guzerat after furnishing reliefs and completing the Rajpootana Field Force, will show that the total number of troops in Guzerat is actually greater than that which Sir R. Shakespear asks for; but there are fewer artillery, and only 1,405 instead of 1,600 European infantry. If necessary, however, two more companies of European infantry might be sent to Guzerat. I would also suggest that Sir Richmond Shakespear should be empowered, if he thinks it desirable, to embody a corps of bheels or coolies. This was suggested some time ago by Captain Buckle, and, if I am not mistaken, the plan was approved by the Government of India. It was referred, I believe, to General Roberts, but I have not seen any report from him on the subject.

(signed) *Elphinstone.*

MINUTE by His Excellency the Commander in Chief, dated 9th February 1858.

I ENTIRELY concur in the opinion expressed of the importance of carrying out a general measure of disarmament throughout the country, but, if it is decided to do so, we must be prepared for resistance; and to carry it through at all hazards, may require more troops than we can conveniently spare without detaining the re-inforcements intended to be sent to Sir Hugh Rose.

I am of opinion that Sir R. Shakespear has not had the opportunity of knowing the general feeling of the population of Guzerat and of this Presidency, which is decidedly hostile to our rule. Major General Roberts knows it well. We must be prepared to meet all the difficulties alluded to by Major General Roberts, and, if we can do so, I think it highly important that the whole population should be disarmed. It is most necessary that we should assert our supremacy at whatever cost, and the present is a better time than any other if we feel that we have the means at our command.

(signed) *H. Somerset.*

MINUTE by the Honourable Mr. *Malet*, dated 10th February 1858.

1. THE question, as to what weapons are to be taken, seems to be hardly settled by Sir R. Shakespear; the Gaekwar Durbar, it appears, at first did not deem it advisable to do more than deal with the fire-arms; there is no doubt that this simplifies the measure considerably, however it may touch its efficacy.

As a general rule, I think it may be said that fire-arms are the weapons of the military classes, of Mahomedans throughout Guzerat and its neighbourhood, while swords and bows and arrows are those of the coolies and bheels; not that the coolies have no fire-arms, but that the other is the general weapon. I do not allude

allude to the sword and dagger which are (especially the former) common to all. If I am right in my assertions, it follows, that the seizure of fire-arms alone, to any great extent, will principally weaken the Mahomedan population, while it will proportionately strengthen the coolies and bheels. The proportion of Mahomedans is, I believe, greatest in the Ahmedabad districts. The bheels dwell on the Eastern frontier, and the coolies are numerous throughout the whole province north of the Dadur river, between Broach and Baroda, and it hardly seems practicable to confiscate the bows and arrows with any lasting effect, for every man can make his own; the confiscation of swords and daggers would equally affect all.

The question of what weapons to take is not without difficulty. The Gaekwar's minister seems to be willing to apply the measure to all, while I am not quite sure that Sir R. Shakespear goes so far, or that he thinks he has strength to carry it out universally. While, therefore, my opinion is, that it is proper to disarm the population as much as possible, it seems expedient that the extent of the measure should be defined, and, if the local officers do not consider themselves strong enough to make it applicable to all arms, I presume it must embrace fire-arms alone, with a prohibition against carrying any others, unless with a license.

2. The extent of country to be disarmed is, I think, only to be limited by our power. It seems to me essential that Kutch and Katteewar should be included in the same measure as Guzerat; it will be as advisable to carry it out in those countries, through the chiefs, as it is in the Gaekwar districts, through the Durbar; the European authority, in all cases, deciding on the extent and applicability of the measure. The whole Eastern frontier of Guzerat borders on countries the inhabitants of which are armed, and it will be essential that the measure, to be effective, should be eventually carried out in them also; we cannot deprive our own subjects of weapons while their neighbours retain theirs.

3. Sir R. Shakespear states the strength of the force which he deems requisite to enable him to carry out the measure. There are at present, it appears, in Guzerat, after providing for Rajpootana, about four companies of artillery, with field batteries, one company of sappers and miners, one squadron native cavalry, 1,131 European infantry, 4,969 native infantry; besides these there are the Guzerat Irregular Horse, I believe, about 700 strong and the Gaekwar Contingent, 3,000 sowars. I presume that no difficulty will be found in organising from these troops such movable columns as may be required, and I would suggest that the strength should on the whole be over rather than under what Sir R. Shakespear has proposed, especially in horse, for it must be remembered that the measure depends, not only for its practicability, but also for the time in which it is feasible, to the force employed, being such as to minimise the chances of resistance, and the season is rapidly wearing away.

4. The question, whether we are able to protect the people against those tribes who may retain arms, or against the evil-disposed who may conceal them, is very important, but it can hardly be answered except by those who are personally acquainted with the state of the police in Guzerat. I will not, therefore, further allude to it than to state, that there seems to me no reason to suppose that any increase of the police for this purpose will be more than temporary, as the measure, even if imperfectly carried out, must eventually render the duties of the police less arduous than at present.

5. Were it not that the possibility of disturbance in Guzerat is at the present moment of such great importance to the success of our operations in Rajpootana, I should have no hesitation in dismissing the chances of it with little notice, for I do not perceive that there is any probability of any general organised resistance to such a force as should be entrusted with the execution of this measure. General Roberts' opinion, however, must carry with it great weight; he has been at Ahmedabad, and it is in those districts that the dislike to the measure, if it involve any great confiscation of fire-arms, will be most felt. The Mahomedan population is numerous, and traditionally warlike, and although they could not resist our military force, may cause us much trouble. I must own that it is doubtful whether Rajpootana should not be more quiet, and the Mahomedans between Guzerat and Central India more completely mastered than they seem yet to be, before this risk is run. We have not yet put down the bheels in the country between the Taptee and Nurbudda, and I see by to-day's telegrams that a small band in the jungles,

between Goa and Belgaum, may cause us some trouble. Should we find any difficulty in Shorapoor, this may demand troops for the Southern Division, which, if we are engaged in Guzerat, we may be unable to supply.

6. I believe the measure to be necessary, and there are many circumstances which are favourable at this moment; but, I think, with these affairs on our hands, and with Guzerat peaceable, and apparently well-affected, it is questionable whether the necessity for it now is so great as to render it expedient to carry it out at once, or whether we may not, with advantage, wait till matters elsewhere are more settled. If it be determined to proceed now, I think no time should be lost, but that the arrangements be urged on as speedily as possible, that the measures may be completed this season, for which the time now remaining is very scanty.

(signed) *A. Malet.*

MINUTE by the Honourable Mr. *Reeves*, dated 11 February 1858.

IT may be taken for granted that bows and arrows must be left in the hands of their owners. This was laid down in the correspondence on the disarming of the Tannah population.

Sir R. Shakespear will, I imagine, deprive the people of all their fire-arms now, and take their swords at some more favourable opportunity. If he can shut up the shops of the armourers and gun makers, a great step would be gained.

There is doubtless some risk to be incurred in the measure contemplated, but under any circumstances risk would present itself. Bearing in mind that Sir Richmond Shakespear has offered to carry it out after slow and mature deliberation; that Major Wallace, an officer of great local experience, is in favour of it, and that Sir Richmond himself possesses powers for carrying out his proposals, which we cannot expect to see again united in the person of a single officer, I cannot help being of opinion, that we should be unwise to let the present opportunity pass by without taking full advantage of it, and I therefore subscribe to the views of the Right Honourable the President.

I am not, however, certain that any more European infantry is now available for reinforcing Sir Richmond Shakespear.

(signed) *H. W. Reeves.*

FURTHER MINUTE by the Right Honourable the Governor, concurred in by His Excellency the Commander in Chief, dated 15 February 1858.

I AM glad to find that my honourable colleagues entertain no doubts of the expediency of a general measure of disarmament throughout the country. I think it right, however, to remark, that I do not advocate this measure from any belief in the decided hostility of the population to our rule, as might be inferred from his Excellency the Commander in Chief's minute, but simply because we have seen how much influence is still possessed over their countrymen by those classes whose loyalty is most equivocal; because it appears to me, that an armed population is necessarily more easily excited to acts of violence and rebellion than an unarmed one, and because nothing will so effectually convince the disaffected of the hopelessness of their cause as a measure which, if properly carried out, will to a great extent deprive them of the weapons without which open aggression or even resistance become impossible. I am very much obliged to the Honourable Mr. Malet for his valuable observations. I of course agree with him, that it is desirable that the measure should be carried out as widely and as completely as possible. In Kutch and Katteewar it must be done through the agency of the chiefs; in the countries on the western and northern frontiers of Guzerat, the co-operation of the political authorities in Central India and Rajpootana should be obtained. With regard to the extent to which it is to be carried, I think that much must be left to the discretion of the local authorities. Licenses to carry arms may in some localities be granted much more freely than in others. The nature of the

country

country and the disposition of the inhabitants must be taken into account, and a difference should be made between peaceable communities and notorious robber villages, such as those which Sir R. Shakespear alludes to in his letter of the 8th ultimo (to Colonel Bates), or places which may have shown disaffection to the Government like the villages in the neighbourhood of Broach. In all cases, however, I think a registration of arms should be rigidly insisted upon; and their retention should be a matter of favour, not of right.

I fully admit that General Roberts' opinion upon this subject is entitled to the greatest weight, and that his objections to the immediate execution of the measure are not to be overruled without great caution and consideration. I have not lightly determined, however, to take this step; but as I deliberately think that the advantages of disarming at the present moment outweigh the objections to the measure; as I have the fullest confidence in Sir Richmond Shakespear, and in the officer whom he has selected to carry it out, in co-operation with the magistrates and superintendents of police, and believe that in their hands the operation will be effected with the least possible danger, I should not be justified in consenting to its postponement. I may add, that Sir R. Shakespear has already begun to disarm what he calls the robber villages in the Myhe, and that two of them, Peitahpore and Angur, have not only been successfully disarmed, but the villages have been dismantled, and the people compelled to remove their houses to new sites, less difficult of access than those which they previously occupied.

(signed) *Elphinstone.*
H. Somerset.

FURTHER MINUTE by the Honourable Mr. *Malet*, dated 15 February 1858.

THE measure is very important. I have already stated my doubts to their full extent, and as they do not, in the opinion of the Right Honourable the President and my honourable colleagues, weigh down the balance against the measure, it should, I think, be at once carried out. I think the instructions to Sir R. Shakespear should be most confidential, and that he should communicate confidentially only with the authorities; the less publicity is given to the measure the better, especially as events may possibly occur which might necessitate its delay.

(signed) *A. Malet.*

FURTHER MINUTE by the Honourable Mr. *Reeves*, dated 15 February 1858.

THE communication may be confidential, but the Baroda Durbar is fully cognisant already, and secrecy cannot now be maintained.

(signed) *H. W. Reeves.*

No. 592 of 1858.—Secret Department.

From *H. L. Anderson*, Esq., Secretary to Government, Bombay, to Brigadier General Sir *R. Shakespear*, Knt., Resident at Baroda; dated 17 February 1858.

Sir,

I AM directed by the Right Honourable the Governor in Council to acknowledge the receipt of your several demi-official communications to his Lordship's address, dated as per margin, on the question relative to the disarming of the population of Guzerat.

1. 7th January 1858, with enclosures.
2. 13th January 1858, with enclosures.
3. 22d January 1858, with enclosures.

2. In reply, I am desired to intimate to you, that the Right Honourable the Governor in Council concurs with you in considering that the measure is one of the utmost expediency, and that the present conjuncture of affairs in Guzerat is peculiarly favourable to its accomplishment, especially as his Highness the Gaekwar's Government has signified its intention of co-operating in giving effect to the measure.

3. Important

3. Important as the measure must be considered, the Right Honourable the Governor in Council would have hesitated to recommend its immediate adoption contrary as it is to the views of Major General Roberts, in whose local knowledge, excellent judgment, and practical experience this Government has the fullest confidence, were his Lordship in Council not deliberately of opinion that the advantages of disarming at the present time far outweigh any objections which may be advanced against it.

4. With this view the Right Honourable the Governor in Council is pleased to invest you with full powers as a Political Commissioner in all the districts of Guzerat which are under the political control of this Government, and to appoint Captain Buckle as your assistant, for the purpose of enabling you to carry out the measure of disarming as widely and completely as possible.

5. The extent of territory to which the measure should be applicable should only be limited by the power of Government, and it is desirable that the provinces of Kutch and Katteewar, and the districts on the western and northern frontiers of Guzerat, should be included within its operation.

6. The various political authorities in Guzerat, Central India and Rajpootana, will accordingly be requested to exercise their best influence with the chiefs under their control, for affording such co-operation in giving effect to the measure as is practicable.

7. Instructions will, at the same time, be conveyed to the different magistrates and superintendents of police in Guzerat to render you all the aid in their power in the execution of your authority.

8. The question as to what arms the inhabitants in each district should be permitted to retain is one which, in the opinion of the Right Honourable the Governor in Council, should be left to the discretion of the local authorities and your own judgment, as the nature of the country, and the disposition of the inhabitants, will in each case require to be considered, and a line of distinction drawn between peaceable localities and notorious robber villages, and those which have evinced disaffection towards Government.

9. Licenses to carry arms will accordingly be granted more freely in some districts than in others, but in all cases the Right Honourable the Governor in Council considers that a registration of arms should be rigidly insisted on, and their retention should be entirely a matter of favour and not of right.

10. With respect to the amount of military force which you will need in support of your authority, the Right Honourable the Governor in Council observes, that the total number of troops which will remain in Guzerat, after furnishing reliefs and completing the Rajpootana field force, will exceed your requirement; but that, if actually necessary, two additional companies of European infantry can be despatched to your aid; and you may, if you think it desirable, embody a corps of Bheels, as suggested on a former occasion by Captain Buckle.

I have, &c.
(signed) *H. L. Anderson*,
Secretary to Government.

No. 202 of 1858.—Secret Department.

From *Thomas Ogilvy*, Esq., Magistrate of Dharwar, to *H. L. Anderson*, Esq., Secretary to Government, Bombay.

Dharwar Magistrate's Office, Camp Gudug,
16 February 1858.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, dated the 24th December last, No. 3,380, desiring me to acquaint Government with the exact nature of the measures adopted for disarming the native population of this zillah, and the result of those measures.

2. I have already informed his Lordship in Council, in paragraphs 19 and 20 of my letter to your address, dated the 9th September last, No. 1,548, that, under

under the authority conveyed in your letter dated the 2d August previous, No. 1,109, I have caused all the more dangerous classes in the larger towns to be disarmed, and that, as the measure had been carried into effect quietly and cautiously as an ordinary police measure, no resistance was made, and no disturbance followed.

3. As reported in the 25th paragraph of the same letter, the district officers were, in consequence of the weak state of defence of their kucherries, authorised to break up the arms seized; but though a considerable number of weapons of different kinds were collected, 50 only were destroyed at the distant town of Raneebednore.

4. In my 26th paragraph, I further mentioned that I had been encouraged by the success of the measure to issue a notification, calling upon the entire population of the zillah to deliver up their arms to the nearest district officer on or before the 15th September last.

5. The approval of those measures by his Lordship in Council was conveyed in your letter of the 9th October following, No. 2,210.

6. A notification, dated the 31st August last, was issued, with the approval of the judges of the Sudur Foujdaree Adawlut, under the provisions of Section XIX. of Regulation XII. of 1827, prohibiting all persons from carrying arms without written permission from competent authority.

7. As instructed in your circular, dated the 20th October last, No. 2,443, Act 28 of 1857 was declared in force in this zillah, and the mode in which it was proposed to carry its provisions into effect was reported to Government in my letter to your address, dated the 28th idem, No. 1,748. The district officers were furnished with a translation of the Act, and ordered to make its provisions known throughout the zillah, and, under section 4, to require all persons to deliver up their arms to them. Government servants were generally, however, allowed to retain one weapon each, as being necessary to them for protection, and to enable them efficiently to discharge their duty.

8. To prevent inconvenience to trade and intercommunication, arrangements were made for the grant of passports to persons of respectability, with permission to carry with them such arms as might appear to be necessary for their safety for limited periods.

9. The Chief Secretary's letter to my address, dated the 9th November last, No. 2,741, expressed the approval of Government to the measures adopted.

10. The annexed statement shows the quantity of arms and ammunition that had been collected in the zillah, exclusive of Jageer territory, up to the end of 1857, from which it appears, that 8,049 lethal weapons had been secured.

11. Your letter, dated the 12th ultimo, No. 112, gives me authority to break up those arms and sell them as old iron, and distribute the proceeds among the parties from whom they had been taken.

12. The Jageerdar of Nurgoond and the Nawab of Savanoor were, on the 24th October last, requested to carry out the provisions of the Disarming Act within their territories, in the same manner as in the districts immediately under the magistrate, and they have reported that they are doing so.

13. In reply to a letter from the superintendent of police, dated the 17th November last, No. 236, expressing an opinion that all arms had not been delivered up, and suggesting that every native inhabitant of the zillah should at once be disarmed, and that the registry of the arms, in conformity with the terms of the Act, should be effected at a future period, I observed, under date the 23d idem, No. 1,860, that I did not think that any such urgency existed, and that, although many arms might have been withheld, they could be collected gradually, since the zillah was in profound peace.

14. As reported* to Government, the superintendent of police had been authorised to search for arms in the houses of persons suspected of concealing them, but I regret to say that, in acting on this authority, considerable alarm and irritation were created by the mode in which the subordinate native police carried out the superintendent's orders.

* To Government, No. 1,748, dated 28th October 1857, para. 12.

15. As

15. As this was brought to my notice in passing through the districts, and also that persons whose houses had been searched for arms pleaded ignorance of the orders that had been issued, the district officers were again instructed, in a circular dated the 6th ultimo, to cause the provisions of Act 28 of 1857 to be read to the people in every village, and the signatures of five respectable inhabitants in each to be taken to an acknowledgment that they had been communicated to them. The following day another circular was issued to the district officers, desiring them to explain in every village, that the panic which had seized them, and induced them to prepare for the removal of their families into other zillahs, in the belief that the police entered houses and plundered the property of their inmates, was unfounded, and to assure them that they might remain in their houses with perfect confidence, since they were merely required to deliver up their arms, and that violence offered to them, when brought to the notice of the authorities, would be investigated and disposed of judicially. Those circulars were transmitted to their address, through the superintendent of police, in order that he might be acquainted with their contents.

16. In transmitting to the superintendent of police for his remarks*, a letter in original, from the magistrate of Bellary, intimating that it had been reported to him that various families of the inhabitants of the Dhawar zillah had taken refuge in his zillah from violence apprehended from the police of Dhawar, I observed, in a letter to Lieutenant Thomas, dated the 13 instant, No. 52:

"I have already made several references to you on similar complaints, both privately and officially, in the Vernacular Department, and requested you to carry out the provisions of the Disarming Act with the greatest caution and discretion, so as not to cause alarm or excessive irritation among the people.

"I shall feel obliged by your adopting every means in your power to allay the present alarm.

"I do not think that any houses should be searched for arms, unless on information that they are concealed therein, or on strong grounds of suspicion; and, when search becomes necessary, it should be done in such a way that caste should not be infringed, or domestic privacy unnecessarily invaded.

"The search should be made in communication with the district and village authorities, and the houses should, as a general rule, be entered only by persons belonging to the caste of the inmates.

"The measure of disarming the people is in itself sufficiently unpopular, so that great pains should be taken to prevent its becoming still more so by the mode of carrying it out."

17. In a letter dated the 14th ultimo, No. 6, the superintendent of police reported to me that upon my "order that all arms should be given up by the population of the zillah in September last, a small number was collected at each of the district kutcherries, but only a very small proportion of the arms known to be in the possession of the inhabitants. On the publication of the Act, a further very small proportion was given in. Attention to the Act was repeatedly called by circular orders, still the process went on unsatisfactorily, so that in the beginning of last month I commenced a regular search in the Nowlgoond Talooka, with its subdivisions of Yawagul and Annigerree. In addition to arms previously seized, &c., I collected about 2,400 arms which had been withheld in these districts alone.

"Shetsundees and Government Peons are allowed to retain one sword each, all others being confiscated.

"A small quantity of sulphur, powder, and saltpetre was also seized.

"A considerable number of the arms thus seized was, I think, concealed more from reluctance to give up heirlooms than any improper motives. All instances of contumacy have been proceeded against according to the Act.

"In the Nowlgoond Talooka and Petahs the search was conducted by myself in person, assisted by the district officers, Foujdar and native officers, under whom again were parties of Sepoys under petty officers.

"Since coming into this (the Dummul) Talooka, the result has not been so satisfactory, the arms being, I believe, concealed in large numbers in places artfully chosen; a good proportion, but not the least approaching a moiety, I am of opinion, has been voluntarily delivered up. This is to be attributed to certain malicious and unfounded rumours got up by evil-disposed persons, which have

* Dated the 7th January 1858, No. 2.

have created alarm in the minds of the lower classes. The origin of these I am now endeavouring to trace; but in the meantime, and pending a reply to my demi-official of yesterday's date, I have suspended search, as such will be at present unavailing, and but serve to disturb the minds of the population.

"In addition to the various circulars you have issued, I have also caused translations in Canarese and Muratha to be made, explained, and posted up in every village kutcherry, and in large villages, in every temple, musjid, and place of resort, since which I learn that more arms are being brought in."

The demi-official letter from Lieutenant Thomas informed me that he had reason to suspect that some of his subordinates at Dumbul had been guilty of extortion in carrying out his orders to search for arms, and requesting the aid of an assistant to enable him to prosecute the necessary inquiries.

19. On this Mr. Melvill, my third assistant, was requested to join the superintendent of police at Dumbul, and there render him all the assistance in his power.

20. Accordingly after due inquiry, Mr. Melvill reported to me * that he had committed Vittul Gunesh, Foujdar of Dumbul, for trial before the Session Court of Dharwar, on a charge of extortion. Witness against the Foujdar deposed that collections were made on the plea that it was necessary to bribe the police not to ill treat the inhabitants when searching their houses for arms, and the Foujdar appeared to be the party chiefly implicated in those proceedings. There seems to be little reason to doubt the truth of these statements, for it is difficult otherwise to account for the wide-spread panic that has prevailed among the people.

* In a letter dated the 20th ultimo, No. 4.

21. In a letter to Lieutenant Thomas, dated the 8th instant, No. 161, I observed, "that it appears from the proceedings held before Mr. Melvill and yourself, in reference to charges of extortion preferred against the Foujdar of Dumbul, received for perusal with Mr. Melvill's letter, No. 4, dated the 26th ultimo, that advantage has been taken by some police subordinates, of the opportunity afforded by the measure of disarming the people, to treat the inhabitants with great harshness.

"2d. It is most unlikely that the people would have sent away their families into other zillahs, and that a wide-spread panic should have prevailed, unless the police had, by their conduct, given rise to it. I beg to request, therefore, that you will have the goodness to institute searching inquiries into the proceedings of the members of your establishment, in order that all parties blameable may be duly punished.

"3d. The alleged extortions are said to have occurred within a short distance of Guduck, at the time you were there, and therefore, if committed at all, they must have been so in a very daring manner.

"4th. I may state that great complaints of the conduct of the police at Annigerry have been made to me, and I have been informed that similar complaints were brought to your notice when you were there. I shall feel obliged by your informing me whether such is the case, and, if so, what proceedings you adopted on these representations, and with what result.

"5th. In my demi-official letter to you, dated the 12th of August last, and in others, I observed that the people should be disarmed with the greatest care and circumspection, and in the manner least likely to create disturbance. I repeated the same caution in my letter to your address, dated the 13th ultimo, No. 52, forwarding copy of one from the magistrate of Bellary, dated the 7th idem, No. 2, referring to the flight of many families from the Dharwar districts into his, &c.

"6th. I trust that when the disarmament of the people is resumed, you will be able to take steps to carry out a measure, sufficiently unpopular in itself, with that degree of tact and caution which may cause the least possible degree of excitement."

22. The search for arms in the habitations of the people has been suspended, and all excitement on the subject has been allayed, and great care will be taken to prevent irritation should the measure be resumed. With more trustworthy instruments, the disarmament of the people of the zillah would probably have been fully effected without difficulty or disturbance, and, under the circum-

stances,

stances, the inhabitants have shown a wonderful degree of patience under provocation.

23. A great many arms have already been given up and seized, and gradually I hope that the greater part of what weapons may have been withheld, will be collected as they attract notice, without resort to any general measures of a summary nature. As no urgency presses in this zillah, I propose to limit the search for arms to particular cases, where credible information may be given, or reasonable suspicions may be entertained, that they have been concealed.

24. This reply has been delayed, pending the receipt of returns of arms collected up to the 31st of December last, called for from the district officers.

I have, &c.
(signed) *T. Ogilvy*, Magistrate.

ACCOMPANIMENT to the Dharwar Magistrate's Letter in the Secret Department, No. 202, dated the 16th February 1858.

STATEMENT of ARMS collected in the *Dharwar* Zillah under Provisions of Act XXVIII. of 1857.

TALOOKA.	ARMS.							AMMUNITION.					
	Matchlocks and Muskets.	Pistols.	Daggers, of Sorts.	Large and Small Swords, of Sorts.	Spears, of Sorts.	Clubs and other Weapons.	Total of each Talooka.	Gunpowder, in Pounds.	Common Balls.	Powder Flasks.	Sulphur, in Pounds.	Saltpetre, Pounds.	Lead, Pounds.
Dharwar - -	121	14	110	414	10	7	676	58	- -	1	682 ¼	1,550 ½	84
Nowgoond - -	683	12	203	1,096	124	216	2,334	- -	- -	161	6,433 ½	- -	13 ½
Dumbul - -	434	15	134	794	71	49	1,497	12	4	1	1,355 ½	77	42 ½
Bunkapoor -	68	2	42	152	22	9	295	34 ½	- -	- -	274 ½	- -	33 ¾
Hangul - -	65	4	28	229	14	16	356	- -	- -	- -	210 ¾	- -	42 ¼
Hooblee - -	265	38	153	864	68	19	1,407	- -	- -	9	3,442 ¾	- -	506
Raneebednore -	69	14	43	239	45	34	444	- -	- -	- -	207	5,668 ¾	10
Kode - - -	209	9	90	641	70	21	1,040	- -	- -	- -	77 ½	14 ½	7 ½
TOTAL of the Zillah -	1,914	108	803	4,429	424	371	8,049	104 ½	4	172	12,683 ¾	7,310 ¾	739 ½

Dharwar Collector and Magistrate's Office, Camp Guduz,
16 February 1858.

(signed) *T. Ogilvy*,
Collector and Magistrate.

RESOLUTION by the Honourable Board, dated 26 February 1858.

RESOLVED, The magistrate appears zealously to have endeavoured to carry out the measure of disarming the general population, with as little annoyance as possible to individuals, and his proceedings are approved. It is much to be regretted than an unpopular measure was rendered still more offensive to the inhabitants, by the conduct of the police; but the magistrate appears to have done his utmost to counteract the evil, and the Right Honourable the Governor in Council trusts, that all cause for irritation has now ceased. The returns show that very few arms have been collected in some of the districts of Dharwar, while large numbers have been taken in others. The magistrate's attention should be given to those districts which appear to have evaded the order for disarming, and rewards may be offered for information leading to the discovery of concealed or withheld arms. In every case where concealed arms are discovered,

covered, the full penalty for such concealment should be exacted; but domiciliary visits should on no account be permitted, unless there are good grounds for believing that arms have been concealed or withheld in the house searched.

(signed) *Elphinstone.*
A. Malet.
H. W. Reeves.

No. 233 of 1858.—Political Department.

From Brigadier General Sir *R. Shakespear*, Knt., Resident at Baroda, to Captain *J. T. Barr*, Acting Political Agent in Katteewar.

Sir, Baroda Residency, 25 February 1858.

With reference to my letter No. 205, of date 20th instant, to your address, I have the honour herewith to enclose copy of a yad received from His Highness the Gaekwar, No. 179, dated 23d instant.

2. From it you will learn that His Highness has decided on disarming the population of Okamundel. Such a measure would seem the only effectual method of permanently repressing the turbulent population of that petty but troublesome district.

3. But in connexion with this I may mention for your information that disarming is at present being actively proceeded with in British and Gaekwar Guzerat, under the orders of the Bombay and Gaekwar Governments. Broach, Surat, and many of the villages in their neighbourhood, have been already deprived of arms. Baroda and other towns and districts of the Gaekwar are being similarly dealt with, and not the slightest opposition has yet been met.

4. In the accompanying yad His Highness requests that 50 or 100 Suwars from his contingent horse in Katteewar may be sent to Okamundel to assist the force just despatched thither from Baroda, detailed in my previous letter to you, and the troops already there, in carrying out a thorough disarming of Oka.

5. I doubt not but that with some little previous arrangement of posts, and consultation with my assistant in Katteewar, Lieutenant Barton, as to time, &c., you will be able to send the larger number desired by His Highness; for I trust that the measure once begun will take no long time to complete, and that the Suwars you will despatch on this duty will not be detained any great length of time. I request, therefore, you will communicate with Lieutenant Barton, and send the 100 horse.

6. His Highness, in his present yad, again desires, as in the one enclosed in my former letter, that you should extensively issue a stringent proclamation throughout Katteewar, and use your best influence with the various chiefs to prevent any persons in Katteewar from harbouring, concealing, or in any way assisting any Okamundel Wagheres, &c., who may try to escape out of that district into Katteewar, with the hope of concealment, again to return and excite disturbances in Oka.

7. Such a proclamation against refugee Wagheres, containing strict orders that they are to be delivered up wherever discovered, would, I conceive, do much good by letting it be publicly known that, as His Highness remarks, the measures of repression against the turbulent classes of Okamundel were adopted with the full determination of both Governments to effect them, so that no one would attempt to evade submission by any hope of escape and asylum in Katteewar; I trust, therefore, you will issue a notification to the above effect.

8. I have sent to Lieutenant Barton a paper detailing the general principles upon which the disarming is to be carried out.

I have, &c.
(signed) *R. Shakespear*, Resident.

No. 105 of 1858.

From Captain *J. T. Barr*, Acting Political Agent in Katteewar, to Sir *R. Shakespear*, Knt., Resident at Baroda.

Sir, Rajcote, 2 March 1858.

I HAVE the honour to acknowledge the receipt of your letter, No. 233, of the 25th of February last, enclosing copy of a yad from His Highness the Gaekwar, No. 179, dated 23d idem, calling upon me to publish a proclamation against harbouring Wagheres, and requesting that 50 or 100 Suwars from His Highness' Contingent of Horse in Katteewar may be sent to Okamundel, to assist in carrying out a thorough disarming of the population of that district.

2. My demi-official letter of the 26th of February last will have put you in possession of my views of the insufficiency of the force named in your Despatch of the 19th of that month (No. 186) for quelling a rebellion in Okamundel should the Wagheres combine for violence, and of the policy I thought should be adopted towards them under present circumstances.

3. I now lose no time in expressing my firm conviction, that this force is altogether inadequate for carrying out the measure of disarming which is in contemplation; and that the attempt with such small means may be attended with very evil consequences. If the Wagheres seize both Dwarka and Beyt, as they did before some forty years ago, from the Gaekwar agents, a brigade of our troops with an European regiment in it would be required to retake them, and afterwards to reduce the Wagheres to thorough subjection.

4. We can ill spare 100, or even 50 horse from the contingent, especially at present, when the troops at this station are reduced to so low an ebb; and though at your requisition I should of course feel constrained to spare them, yet in a country like Oka, they would be found of little assistance, as cavalry could act with effect in few portions of it, and those portions would be as much as possible avoided by rebels.

5. Considering the matter urgent, I despatch my present rather hastily-written letter by return of post, in the hope that further proceedings for disarming Okamundel will be stayed, at all events till your assistant, Captain Barton, whom I expect here to-morrow, has had an opportunity of considering the subject in all its bearings. I would not even let it be known in Okamundel too soon, that a force was leaving Baroda with the avowed determination of disarming the inhabitants.

I have, &c.,
(signed) *J. T. Barr.*

Political Department.

From Captain *J. T. Barr*, Acting Political Agent in Katteewar, to *H. L. Anderson*, Esq., Secretary to Government, Bombay.

Sir, 2 March 1858.

IN continuance of the correspondence forwarded with my letter, No. 98, of the 24th of February last, I have now the honour to submit, for the information of Government, copy of a letter received from the Resident this day, and of my reply.

From the Political Agent to Government.
No. 107, dated 18th June 1845.
108, dated 18th June "
146, dated 3d Sept. "
194, dated 18th Nov. "
From Government to the Political Agent.
No. 4,884, dated 27th Oct. 1845.
5,346, dated 27th Nov. "
5,381, dated 28th Nov. "
5,444, dated 4th Dec. "

2. I shall freely communicate to Captain Barton my opinion of the utter inadequacy of the force proposed to be sent into Okamundul to quell a rebellion of Wagheres, or to disarm the population, and shall bring under his notice especially the correspondence, as per margin, on the subject of despatching a force to coerce the Wagheres in 1845, when Mr. Mallet was Political agent in Katteewar.

3. I trust the Resident will thus be induced either to increase the strength of the present detachment very materially, or postpone

pone the measure of disarming in Okamundul till more troops are available, and commence its introduction at a season of the year more favourable than now for military operations, should they become necessary.

I have, &c. .
(signed) *J. T. Barr.*

Resolution by the Honourable Board, dated 10 March 1858.

Resolved, The Right Honourable the Governor in Council has little doubt that, on receiving the Acting Political Agent's letter, the Resident will make arrangements for strengthening the force at Okamundul, while the measure of disarming is in progress; but he cannot impress too strongly on the Acting Political Agent the necessity which exists for a cordial co-operation on his part with the Resident, and especially for a compliance with all that officer's requisitions relative to the Gaekwar's contingent of horse.

A copy of this resolution should be sent to the Resident at Baroda.

(signed) *Elphinstone.*
A. Malet.
H. W. Reeves.

No. 168.—Political Department.

From Brigadier General Sir *R. C. Shakespear*, Political Commissioner, Guzerat, to *H. L. Anderson*, Esq., Secretary to Government, Bombay.

Sir, Baroda, 3 March 1858.

In para. 4 of your letter, No. 592, of 17th ultimo, you informed me that Right Honourable the Governor in Council had appointed Captain Buckle as my assistant, for the purpose of enabling me to carry out the measure of disarming as widely and completely as possible; and in the concluding paragraph of same letter, I was authorised to embody a corps of Bheels (as suggested on a former occasion by Captain Buckle).

2. The proposition for employing Captain Buckle as assistant for disarming originated with me, and the prompt compliance to my request was only a small portion of the debt of gratitude due by me to the Bombay Government for the countenance and support which has been so generously extended to me.

3. When first I entered upon this great measure, I was strongly of opinion that the disarming could not be carried out efficiently by the civil officers and their subordinate amlah. Having reason to believe that there were objections to setting aside the civil authorities, I determined to try in one district, at any rate, the operation of disarming under the magistrate and his subordinate officers. I selected the Broach district, and the result of the experiment has been to convince me that I was mistaken. Civil officers, such as Mr. Tucker, can carry out the measure promptly and efficiently, and the less they are interfered with the better. At Mr. Tucker's desire, Captain Buckle was employed with the force which I sent to Jumboosir, and superintended the operation in several villages; but Surat and Kaira have both been disarmed without any such aid.

4. The Bheel corps requires a first-rate officer, and one acquainted with the country and the people. Major Wallace agrees with me that Captain Buckle is the best officer to raise that regiment; also the disarming of the Rewakanta renders it peculiarly desirable to employ Captain Buckle there, so that hitherto I have not availed myself of his services as my assistant.

5. With this prelude, I beg to submit the enclosed copies of correspondence, as per margin, with Major Wallace, regarding employing Captain Buckle as commandant of the whole of the police in the Punj Mahals and Rajpeepla generally, including the new Bheel corps, giving him a second in command, and an adjutant.

Paras. 6 and 7 of my letter, No. 147, of 27th ultimo.
Para. 3 of Major Wallace's reply, No. 174, of 2d instant.

I have

I have asked Major Wallace if he knows of an officer qualified for the post of second in command, and I have already (*vide* para. 14 of my letter, No. 112, of date 22d ultimo), mentioned to you that Captain Buckle would wish, if possible, to have Lieutenant Griffith as adjutant.

6. I beg you will take the orders of Government on the proposition.

I enclose copy of Major Wallace's letter (No. 168, of date 28th ultimo), and the memorandum which it enclosed in original. They require no remarks from me, farther than that I agree in all Major Wallace's proposals. They are similar to the Sonthal arrangements.

I have, &c.
(signed) *R. Shakespear*,
Political Commissioner.

EXTRACT paras. 6 and 7 of Letter No. 147, of date 27th February 1858, from Brigadier General Sir *R. Shakespear*, Knt., Political Commissioner, Guzerat, to Major *Wallace*, Political Agent, Rewakanta.

6. My view of the case is, that Captain Buckle should continue to hold his office of assistant to you, for Rajpeepla, and in addition, that he should (subordinate to you) be appointed commandant of all the police, including the prospective Bheel corps and the Rajpeepla and Punj Mahal police, for I incline to think that, with a second in command, and an adjutant subordinate to him, Captain Buckle will be able to collect Bheels gradually, and at once bring the present police into an efficient state.

7. But these are merely views thrown out for your consideration, and to solicit your opinion.

EXTRACT para. 3 of Letter No. 174, of date 2d March 1858, from Major *Wallace*, Political Agent, Rewakanta, to Brigadier General Sir *R. Shakespear*, Knt., Political Commissioner, Guzerat.

3. The remaining subjects of your letter have my entire acquiescence, and the views expressed in the 6th para. of your letter shall be fully carried out.

No. 168 of 1858.—Secret Department.

From Major *R. Wallace*, Political Agent in the Rewa Kanta, to Brigadier General Sir *R. Shakespear*, Knt., Political Commissioner in Guzerat, Baroda.

Rewa Kanta Agency, Camp Peeplode,
28 February 1858.

Sir,

WITH reference to your letter of the 25th instant, on the subject of disarming the province of Guzerat, I do myself the honour of enclosing a memorandum which I have drawn up, with the intention of submitting it on some convenient opportunity, for the consideration of the Right Honourable the Governor.

2. Although the subject to which the memorandum refers has been before my mind for years, yet in the immediate preparation of it in the form you now see it in, I have only been able to devote a few hours, drawn from the current heavy business of my office, which will perhaps serve as an apology for its defects.

3. I have always been of opinion that the disarming of this province should be a measure concurrent with the employment of some part of its warlike population in the service of Government in the mode in which such service could be popular; and as the question of disarming the districts under my immediate control, which are peopled principally by Bheels, comes now directly before me, I cannot, perhaps, do better than state to what extent I propose to enforce the Disarming Act with regard to them, and what supplementary measures appear to be necessary where I cannot altogether enforce it.

4. The Bheels, as you are aware, do not occupy villages, but are scattered in separate huts throughout the jungles; they are armed almost exclusively with bows and arrows, the former made of the bamboo, with which the country abounds; the latter manufactured of reeds by a peculiar class of artizans. The Bheel tracts fringe the richly cultivated plains of Guzerat on the whole of its eastern and northern boundary, and beyond are similar tracts, under the numerous petty states of Malwa and Rajpootana.

5. I do not propose to disarm these people of these weapons, but shall take whatever firearms they may have, and that I may be able to obtain knowledge of.

6. Near

6. Near to and somewhat intermingled with the pure Bheels, are here and there communities of Koolies, who have, to some extent, adopted their mode of living, and are armed with the same weapons. Some more stringent measures will be adopted towards these classes, though not to the full extent necessary with the more civilized Koolies and Mahomedans.

7. The supplementary measure I have referred to as necessary to complete our hold over the wild tribes, and to operate as the alternative of that disarming which would be extremely difficult to effect or to maintain, will be the formation of a corps of Bheels in the service of Government.

8. The principles on which such a corps should be raised, in my humble opinion, will be found detailed in the accompanying memorandum.

9. I have no doubt that a Bheel corps could be raised in the Rewa Kanta which would in time take the place of a regiment of the line, and which would also give us a firm grasp on the whole of the Bheel population from the Taptee to the upper waters of the Mhye, and beyond that river; and I would strongly urge the immediate commencement of the work.

10. I shall be very happy to give to the officer selected for this task both the official influence and personal knowledge I possess; and I would respectfully suggest that Captain Buckle is *present, both excellently qualified, and, I believe, ready to undertake the task. * Sic orig.

11. I do not here enter into minute details of the organization or numerical strength of such a regiment, beyond what I have recorded in the accompanying memorandum; but if a good beginning is made before the approaching monsoon, and in other respects matters proceed in a tranquil course, I should be ready to send back all the force now occupied in the Rewa Kanta, consisting of 150 Native Infantry, 43 Guzerat Irregular Horse, and 200 of the new levies before the rain falls.

I have, &c.
(signed) *R. Wallace*, Political Agent.

MEMORANDUM by Major *Wallace*, Political Agent in the Rewa Kanta, on the Employment and Organization of the Aboriginal Tribes, dated February 1858.

THE attention of Government must soon be directed, if it has not been so already, to the distribution of the military force at its disposal for the future protection and subjection of the territory under this Presidency. I beg, therefore, though with much deference, to submit some remarks on this subject, so far as it applies to a province in which I have served many years, not, I hope, without my having formed an intimate acquaintance with its people, in the hope that some part of them may be found worthy of consideration, and may perhaps lead to measures for the material and moral improvement of a large, neglected, but very interesting class of the people of this country—the probable aborigines.

2. It is an old remark, that each defeated rebellion leaves the Government against which it has been directed stronger than ever; but this will only be partially and temporarily true, unless the Government takes the breathing-time of success to examine both its weak and its strong points, and is resolute to occupy the period of its greatest ascendency in improving the one and amending the other.

3. Although there are a score of theories of the cause of the Bengal mutiny, we already hear those who say, "The natives will never try it again"; so inveterate is our sense of security, so invincible our too contemptuous estimate of native capacity; whereas, "the true causes of revolutions often lie hidden in those depths of human nature, which few individuals or politicians take the trouble to explore, but which may nevertheless contain within themselves elements of disorganization which no human foresight could have been able to control." The very mystery of these disturbances verifies the words of the statesman I have quoted, and they show on a gigantic scale what might have been apparent from many previous petty, hopeless insurrections, that with an excitable Oriental population, there can be no security for any, but especially for a foreign ruler, save in his own unwearying watchfulness and variety of resource.

4. It cannot be doubted but that, knowing these things as truisms, the Government is already alive to the probability that the next danger to the State may arise from some entirely unsuspected quarter; that it may be as sudden, though quite different in its character from anything that has gone before, and that consequently no possible source of danger will be thought too inconsiderable to be dismissed with careless scrutiny, and no source of strength too trifling to be neglected.

5. Among the dangers to which this Presidency is particularly liable, are, first, the natural strength of the country, and its adaptation to the purposes of guerilla warfare and disturbance; and, second, the large proportion of the population that is of a warlike disposition, and hereditarily enterprising and restless character. These elements of disorder have frequently given much trouble, and, under a perfectly imaginable combination of circumstances, may yet cause no inconsiderable peril.

6. It was under pressure of such difficulties that the Government, upwards of 30 years ago, did attempt (and successfully) to obtain some influence over the Bheel tribes of Candeish, by the reception of a regiment composed of them into its service; and subsequently Bheel colonies were formed with the object of addicting them to the regular cultivation of the soil. Very considerable benefits occurred to Government by these measures; but it cannot be denied that the disorders that have again broken out in the hills both north and west of Candeish; the wide-spread alarm, the deficient information of what is working under the surface, all clearly show that the measures adopted long since, though wise in themselves as far as they went, did not go to the bottom of the evil; that the Bheels and other turbulent classes are intrinsically much the same in 1857 as they were in 1824, and that we have little or no permanent influence over them; and certainly that if they are not so formidable as disturbers of the peace, they are very far from being, as they might be, an element of strength.

7. The experiment which succeeded so well in Candeish was repeated with equal success in Guzerat, in the formation of a Kooly corps in the face of the almost universal opinion of the officials that it was impracticable; and on the same principle other regiments have been raised in Rajpootana and Malwa, and elsewhere; and it has been proved that these wild races, at what we must consider still a very inferior point of organization, yet when led by men capable of command, can be made very serviceable and faithful servants. I believe they rescued one officer of the Joudpoor legion from the mutineers; they were the last to break when mutiny and rebellion swept all before it at Mundlaisir, and they disarmed the mutinous companies of Bengal Sepoys at Asseerghur. Lieutenant Cumming lived for some time in security among them.

8. The policy of all preceding Governments towards them has been uniformly atrocious; that of the existing native states, under which multitudes of them now live, is, as far as I have seen them, only not so bad inasmuch as our Government has in great measure deprived them of the power of doing at all points what their traditions would lead them to do; but they have still one single and simple policy with reference to them, viz., to keep them precisely at the point of barbarism at which they now stand. The Bheels form, in fact, in many states of this calibre, a militia whose savage passions it is convenient always to have in reserve, to let loose either against an enemy or to make use of as a protection.

* The Bheels.

9. It appears to me that the attempts by Government to rescue these tribes* from their savage habits have had hitherto a very partial success; and that even where success has been so far attained, that they have been brought to serve the State instead of resisting it, their reformation has been but skin deep, and we have not acquired over the entire race that influence which was anticipated, and which their freedom from other ties and prejudices might have justified us in expecting. Nor is this to be wondered at; the object was in the main to neutralise the danger that was threatened by the whole tribe, partly by taking into pay some of those who were dangerous, and partly by producing an improvement in their material condition and industrial habits, without any corresponding improvement in their moral or intellectual powers. These seem to be errors of omission incidental to the low standard of reform proposed; but there was a serious error of commission also, of which we now only are able to estimate the real tendency. This consisted in employing as drill masters and military instructors men drawn from the regular native army, men principally of high caste, from whom the Bheels insensibly imbibed a respect, not to say reverence, for Hindoo pretensions altogether foreign to their original bias, and which very much detracted from their efficiency in the day of trial, though they did not actually follow their instructors into mutiny.

10. The first suggestion, therefore, is that all these corps, whether now existing or which may be hereafter raised, should be trained and commanded exclusively by European officers, a commandant and an adjutant, and a certain number of picked European non-commissioned officers, and that no person of any other caste than the Bheel should be admitted among them in any capacity whatever.

11. Next, I would suggest the raising of three additional Bheel regiments on this model; one in the western parts of Candeish, including all the hill country from the Thull Ghaut to the Nerbudda; a second for the country between the Nerbudda and the Morassa river, and a third for the country between Morassa and Aboo.* Any Bheels now engaged in the zillah police to be transferred to these regiments, which would furnish all the frontier guards; the latter suggestion being with a view to keeping them entirely distinct from the rest of our police, from whom they are likely to learn more harm than good.

12. A glance at the map will show the character of these suggestions. All the strong country in the northern provinces of this presidency would be occupied by troops having no fellow-feeling either with our regular force or with the rest of the population, the frontier of our most noticeable provinces would be held by those who alone can permanently exist in them.

13. The

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* *N.B.*—I have fixed on these several districts, because I know that they correspond to certain natural distinctions of tribe and clan among the Bheels.

13. The next suggestion I would preface by reverting to a question which was largely discussed in the London papers some four or five months ago; viz. the amount of support which the old Mahomedan governments had received from their co-religionists. In the course of that discussion it was generally admitted that it must have been very great. It was principally based on the very numerous converts they made in India; and many of these, though forcibly converted, have left descendants who are among the most bigoted and virulent supporters of what has now become for them an ancestral faith. It was at once felt that the British Government lay under a great disadvantage in this respect, from its having but few of its own faith and race who feel a personal interest in its ascendancy. From this feeling, combining and working with a higher sense of religious duty, there arose a vehement desire for promoting, by some means or other (and many schemes were broached), a larger increase to the Christian element in the population.

14. This longing has expressed itself in many forms, and is latent in many hearts; and if there could be found among the races of India those whose antecedent religious prejudices could not be irritated by the direct action of Government attempting the work of proselytism, and whose conversion to some form of Christianity by its means would cause no well-founded alarm, there can be no doubt that such an enterprise would meet with almost universal acceptance.

15. It has always seemed strange that some of the Christian missions should not have been devoted from the first to the evangelization of the Bheel races; they are in so many respects similar to those among whom the missionaries have had the most signal and permanent success; and even now it were worthy of their consideration in some missions (in hotbeds of Hindooism like Nassick), where they have long toiled in vain, if they would not do well to shake off the dust of their feet against the obstinate and Pharisaical Hindoo, and turn to the Gentile Bheel.

16. And this brings me to suggest, that the country I have above marked out should be divided into a convenient number of districts, under the title of Bheel agencies, each of which should be committed to a carefully selected person, willing to devote himself exclusively to the material, intellectual, and moral and religious culture of the Bheel population. What we know of unsupported missionary successful labour among Hottentots and New Zealanders, Feejees, and Polynesians, forbids us to doubt, but that, under the protection of the British Government, though untrammelled by any official interference, devoted men will be found for the work, and that, with the Divine blessing, with an equal measure of success.

17. They should, however, throw themselves entirely on the people to whom they are sent, without any intermediate agency, except what they may frame themselves out of the population, or what may be supplied by converts from other missions. The greatest stress should be laid on the utter exclusion of native heathen agency, but particularly of the official class. Therefore these districts should be removed from the operation of the regulations, and all powers entrusted solely to European officers. I forbear to encumber this mere outline with details, asserting only the principle that it is essential to full success to make a wall of separation, as broad and high as possible, between the native bureaucracy and the Bheel population. In this I speak advisedly; for, independent of the low state of morality in this class, and its high *quasi* religious pretensions, there is an inveterate mingled feeling of fear and contempt in the minds of the purer castes towards these outcast tribes, which would render our official native servants both unfitting and reluctant instruments of raising them from their degraded position. In my own humble ways I have now and again set on foot schemes for the improvement of the Bheels in particular localities, which have been uniformly hindered and finally defeated by the prejudices and indifference of native agents, so that the only hope remaining is in the immediate contact of the English mind on the ignorance and barbarism of the Bheel races.

19. My suggestions are confined to the country to the north and north-east of Bombay, because it is with that I am most familiar, and feel the strongest conviction that if we can gain over the Bheels in the mode described, it would require a comparatively small force for the subjection of the country; its protection would be secured by its own police. A strong brigade of infantry and artillery at Ahmedabad, and a cavalry brigade at Deesa, would amply suffice for the province of Guzerat, from which might be detached such small bodies as might be required for holding places of strength at the civil stations, and thus a considerable regular force could be spared from this army for Malwa and Rajpootana.

20. The next point to be considered is the position to be occupied by the petty chiefs of the tract above described, whose territory is largely inhabited by Bheels; it might be desirable that all of those whose estates are not actually intermingled with the khalsa of the Company, should be placed under political superintendence, if not so at present. The Dang rajahs and petty Bheel naiks might be placed under the commandants of the Bheel corps, or the Bheel agents, well secured.

21. The numerous tributary chiefs of Guzerat have been quiescent during the disturbances, it is true, and it may be assumed that their feelings are almost universally loyal, but it is the quiescence of weakness, and they all require assistance instead of being able to

to render any. There is no disturbance in the smallest degree above the ordinary, there is no declared opposition to their power which, in these times, any of them could have overcome without aid; had the pressure been in the least severe upon them I feel assured that three-quarters of them would have been swept away by the stream, and their many turbulent and ill-managed subjects would have set their authority at nought, and swelled the bands of marauders; moreover, they all, more or less, depend on Mahomedan retainers for their support, and many are quite overawed by them. The majority of these men are foreigners to this extent, that their fathers or grandfathers came from foreign lands, though they themselves are naturalized by the lapse of time, have married and settled in the country, depending, however, exclusively on their sword and matchlock for their support; the numbers of such persons as are actually in employment are small compared to those who are looking and waiting for it.

22. The time has probably now come when decisive measures will be taken to alter a system which supports this floating army of mercenary soldiers of fortune. What occurs to me as quite practicable and just, is to desire these petty chiefs to appropriate half of what their military force now costs them, to pay their share of the cost of the Bheel corps, a certain number of which, corresponding to their quota, will always be stationed in their districts, and the whole body will help to maintain the order and security of their territory, both on occasional emergency and by general influence. It is not any part of our compact with these chiefs to furnish them with troops to quell disturbances which arise principally from their inability or unwillingness to curb their own subjects, and as it will be the policy, I conclude, to concentrate our regular force in large masses, it will be more difficult to supply from time to time detachments for duty in remote districts, and hence a real necessity for the better husbanding the military resources of the chiefs themselves, and rendering their quotas reciprocally useful, to instead of threatening and embarrassing each other, a plan which can only be worked out by placing them under command of English officers.

23. The pecuniary assistance from this source will not be large, it is true, but what is contributed in this way will be too much deducted from the fund, which at present maintains a considerable floating population of a very dangerous character.

24. I am conscious that any suggestions of this kind should be brief, and I have compressed them into as small a space as was consistent with adequate development. On the other topics which suggest themselves, viz., the increased effectiveness and simplicity of our police and political establishments in Guzerat, both of which have their bearing on the military questions, I shall not now pretend to enlarge, only hoping that what I have above suggested may in some measure tend to advance the interests of the British Govenment, and the progress of the highest civilization.

(signed) *R. Wallace.*

(No. 246 of 1858.)

From Brigadier General Sir *R. Shakespear*, Political Commissioner, to *H. L. Anderson*, Esq., Secretary to Government, Bombay.

Sir, Baroda, 25 March 1858.

I HAVE the honour to forward copy of correspondence, as per margin*, for submission to the Right Honourable the Governor in Council.

* Letter, No. 59, of 12th instant, from H. Hebbert, Esq.
My reply, No. 222, of date the 19th instant.
His rejoinder, No. 67, of date the 23d instant.

2. Mr. Hebbert's letter (No. 67 of date the 23d instant), is, I consider, very favourable; and I think we may now confidently anticipate the complete disarming of the whole of that portion of the province of Guzerat which lies south of Ahmedabad.

3. The enclosed copy of my letter to the Secretary of the Supreme Government (No. 14 of this date), will explain my proceedings in my capacity as Resident, in disarming the durbar possessions in Pitlad and the districts south of the Mhye.

4. I have the honour to state that the measure proceeds most favourably in the Rewa Kaunta, and that Captain Buckle, writing yesterday from Godra, expresses a hope of disarming that city and its 200 adjacent villages in about eight days.

5. Major Wallace is, I am sure, getting on well in the southern portion of Rewa Kaunta.

6. Mr.

6. Mr. Hadow has disarmed the city of Ahmedabad in a most able and successful manner, and he strongly urges me to carry on the measure at any rate to the banks of the Sabur Muttee river.

7. The difficulties and my hopes and instructions cannot be better explained by me, than by submitting copy of a letter (No. 244), herewith enclosed, which I have this day written to Major Whitelock.

8. The durbar's information from Okamundel, received yesterday, confirm them more than ever in the insignificance of the Beyt outbreak. Barring that untoward event, the further progress of the measure of disarming appears to me to hinge upon Major Whitelock's ability to make some arrangement with the Myhee Kaunta chiefs.

I have, &c.
(signed) *R. Shakespear*, Brigadier General,
Political Commissioner,
Goozerat.

LIST of the ARMS Registered belonging to the Villages of the Purgunna of Pitlad, Sumvut 1914 Chyter; corresponding with March 1858. (By Bhickajee Hurry Kamdar.)

TOTAL of VILLAGES.	Individuals with Arms.	Muskets.	Bookmars.	Pistols.	Guns.	Swords.	Daggers.	Spears.	Bows.	Shields.	Sundry Arms.	TOTAL.
Ninety-six villages -	11,374	742	15	82	- -	7,866	808	395	2,489	1,582	1,789	15,768
To be deducted from this, and made over to the Chowkeedars for the protection of the aforesaid villages, and respectable people, according to order -	- -	288	- -	- -	- -	2,880	480	- -	1,920	- -	- -	5,568
TOTAL remaining - -	- -	454	15	82	- -	4,986	328	395	569	1,582	1,789	10,200

The above remaining arms are ordered to be brought up to Baroda, which are coming in.

LIST of the ARMS Registered of the Villages of Sowlee Purgunnah, on deducting those of the Mehwasee Villages belonging to Rewa Kanta, Sumvut 1914 Chyter; corresponding with March 1858.

TOTAL of VILLAGES.	Individuals with Arms.	Muskets.	Bookmars.	Pistols.	Guns.	Swords.	Daggers.	Spears.	Bows.	Shields.	Sundry Arms.	TOTAL.
Twenty-five villages -	1,986	129	- -	12	- -	1,631	200	61	459	246	317	3,055
To be deducted from this, and made over to the Chowkeedars for the protection of the aforesaid villages and respectable people, according to order -	- -	75	- -	- -	- -	625	125	- -	250	150	- -	1,225
TOTAL Remaining - -	- -	54	- -	12	- -	1,006	75	61	209	96	317	1,830

The above remaining arms ordered to be brought up to Baroda, which are coming in.

LIST of the Arms Registered of the Mahal Wusravee belonging to Nowsaree, Sumvut 1914, Chyter; corresponding with March 1858. (By Dajee Narrain.)

TOTAL of VILLAGES.	Individuals with Arms.	Muskets.	Bookmars.	Pistols.	Guns.	Swords.	Daggers.	Bows.	Spears.	Shields.	Sundry Arms.	TOTAL.
Ninety-three villages -	1,078	81	- -	3	- -	394	15	605	45	36	102	1,281
To be deducted from this, and made over to the Chowkeedars for the protection of the aforesaid villages, and respectable people, according to order -	- -	40	- -	- -	- -	186	- -	279	- -	25	- -	530
TOTAL Remaining - -	- -	41	- -	3	- -	208	15	326	45	11	102	751

The above remaining arms are ordered to be brought up to Baroda, which are coming in.

(True copy.) (signed) *J. P. Stratton,*
Officiating Assistant Resident.

No. 59 of 1858.—Political Department.

From *Henry Hebbert*, Esq., Agent for the Right Honourable the Governor at Surat, to Brigadier General Sir *R. Shakespear*, Political Commissioner in Guzerat.

Sir,
12 March 1858.

I HAVE the honour to acknowledge your letter, No. 182, of the 8th instant, and, in reply, to state that as yet I have received no instructions from Government on the subject therein adverted to, further than those contained in a letter dated 14th November last, to "impress on the Raja of Dhurumpoor the necessity of his adopting immediate measures for disarming his people, and preserving order between them and the people of the neighbouring British districts." On the receipt of your letter, however, No. 132, of the 25th ultimo, I at once, acting on the spirit of the Government letter to your address, No. 592, of the 17th February, wrote off to the Koonwur of Dhurumpoor, the Raja of Bansda, and the Nuwab of Sucheen, apprising them of the wishes of Government, and requesting them to disarm all their subjects and send me in a list of the arms so taken away. I added that it was not the wish of Government to deprive them of their personal weapons, nor yet those in their immediate employ; but I further requested them to send me a detailed statement of the names of the individuals so employed by them, and of the weapons in their possession, as also a list of their own weapons. To these communications I have received no answer; time has not admitted of my doing so from Dhurumpoor and Bansda, but I might have done so from Sucheen; therefore, I wrote to the Nawab a second time, on the 9th instant. My locum tenens, Mr. Forbes, wrote to the Koonwur of Dhurumpoor, on receipt of the Government letter in November, above alluded to, but no answer had been received from him when I returned. I therefore wrote for one on the 26th ultimo, and it came yesterday. The drift of it is that the Koonwur has done nothing, and that such weapons as his people have are, he considers, requisite to preserve their lives and property. I have again written to the Koonwur to-day, that this excuse is inadmissible, and urged on him the absolute necessity of complying with the wishes of Government.

2. I may mention, for your information, that I have no direct authority in the different principalities under me, and no establishment of any kind located in them. All I can do, therefore, is to write to the chiefs, and finally, should they prove refractory, report them to Government.

3. I have not deemed it necessary to write to Mr. Inverarity, simply because I have not heard from the Nawab of Sucheen, whose villages alone lie in this zilla; but if I do not hear from the Nawab shortly, I propose to authorise Mr. Inverarity to disarm the people of such of his villages as are under temporary attachment, in the same way as he would do any Government villages. I think, however, every reasonable latitude should be given to the chiefs before proceeding to any such extremities.

I have, &c.
(signed) *H. Hebbert.*

No. 222 of 1858.—Political Department.

From Brigadier General Sir *R. Shakespear*, Knight, Political Commissioner, to *H. Hebbert*, Esquire, Agent for the Right Honourable the Governor, Surat.

Sir, Baroda, 19 March 1858.

In reply to your letter, No. 59, of date 12th instant, I have the honour to state that, though I quite agree with you in thinking that every reasonable latitude should be given to the chiefs, still it is necessary that they should clearly understand that where their estates are interspersed with our own villages, it is impossible that the people can be allowed to retain their weapons after ours and the Gaekwar's villages have been disarmed.

2. I understand, from your letter, that there are only some of the Sucheen villages which intermixed with our own, but I hope you will consult freely with Mr. Inverarity as to arrangements which must materially affect the district under his charge.

I have, &c.
(signed) *R. Shakespear.*

No. 67 of 1858.—Political Department.

From *H. Hebbert*, Esq., Agent for the Right Honourable the Governor, Surat, to Brigadier General Sir *R. Shakespear*, Knight.

Sir, 23 March 1858.

With reference to your letter, No. 222, of the 19th instant, I have the honour to state, for your information, that since I last wrote to you I have heard from the Nawab of Sucheen, who has expressed his desire to meet the wishes of Government in every way. He, therefore, has commenced disarming the two villages of his, under his own management; and I have requested Mr. Inverarity to disarm those villages under temporary attachment, as he would any Government villages. I expect to hear again from the Nawab as to the number of his retainers, and the weapons they have, when I shall be able to judge whether or not these are in excess of those required by one in his rank and position.

2. The Raja of Bansda has also written me to the same effect as the Nuwab of Sucheen, and has commenced disarming his people.

3. I have not yet received any further communication from the Koonwur of Dhurumpoor, but I entertain no doubt he will do as required.

4. The villages of the Nuwab of Sucheen are the only ones intermingled with those of the British Government; but the territories of the Koonwur of Dhurumpoor and Raja of Bansda border on this zilla. You may depend on it, I shall communicate with Mr. Inverarity as occasion requires.

I have, &c.
(signed) *H. Hebbert.*

No. 244 of 1858.

From Brigadier General Sir *R. Shakespear*, Knight, Political Commissioner, Guzerat, to Major *Whitelock*, Political Agent, Myhee Kaunta.

Sir, Baroda, 25 March 1858.

With reference to the correspondence noted in the margin,* I have the honour to request that you will inform me what steps you have up to the present time taken to carry out the disarming of the Myhee Kaunta, with the willing co-operation of the chiefs.

* 1. My letter, No. 144, of date 27th instant.
2. Your reply, No. 102, of date 1st instant.
3. My letter, No. 167, of date 4th idem.

2. I understand from a private communication received from you that the chiefs generally view the measure with aversion, and even if it was acceptable to them they have not the power of carrying it out in their own estates. I can well understand that this is the case, but still I am of opinion that it is in your power to make considerable progress towards the success of the measure by discussing freely with the chiefs and their karbharees, the principles upon which I intend to be guided throughout the Myhee Kaunta.

3. I have already in my letters, noted above in the margin, pointed out that it is not the intention of the British Government to cast indignity upon respectable persons of rank and influence.

4. As a general rule, it is not intended to take swords from any Rajpoots, and the personal arms of the thakoors, of their relations, and a certain number of their personal followers, will remain in their possession.

5. I trust that these points being explained to the chiefs and karbharees you will be able to gain, if not their willing acquiescence, at any rate, the written consent of some of the most influential of the chiefs.

6. With reference to the inability of the chiefs to compel the people residing within their limits to surrender their arms, I beg to say that I will make the best arrangements that the military force at my disposal will admit of, but, even as regards the people, since I contemplate leaving with them so large a proportion as that noted in the margin,* I trust that you will be able to prevent the necessity of our being compelled to have recourse to actual coercion, though I can well understand that the actual appearance of a force at or near Sadra will be essentially necessary should we proceed to actually taking the arms from the people. That stage of the proceedings is still distant, and the advisability of taking it at all during the present season is still an open question, but what I want to impress upon you particularly, and my reason for writing at the present moment is, that it is very desirable that you should, as proposed in, your letter, No. 102, of 1st instant, do your utmost to carry the measure with the willing co-operation of the chiefs.

* For headmen, exclusive of Thakoors:

Swords	10
Guns	3
Daggers	5

For watchmen:

Swords	20
Bows	20

7. The magistrate of Ahmedabad has disarmed the whole of the city, and is most anxious to proceed at once with the whole of that portion of his district which lies south and east of the Sabur Muttee river, but he very properly stipulates that His Highness the Gaikwar's district of Degaon shall be simultaneously disarmed. On my speaking to the Minister, they, with equal reason, urged that some arrangements may be made with the 22 Mehwassie villages, which were transferred from thence to your jurisdiction, and which immediately adjoin Degaon.

8. The experience I have had in this measure of disarming, convinces me that the only feasible plan is to advance step by step, and to take the districts in succession. I would, therefore, beg you to devote your immediate attention to the villages immediately adjoining Degaon.

9. The magistrate of Ahmedabad is causing a registry to be made of the arms in the villages in his jurisdiction; the Gaikwar's government is also making a similar registry, and I beg you will commence doing so in the villages round about Degaon. I would strongly recommend you to prepare this registry through the chiefs and their kurbarees, after you have quietly explained to them what I have urged in paras. 3 and 4 of this letter.

10. In conclusion, I beg you to understand that your jurisdiction being on the frontier of such a highly armed country as Meywar, I do not consider it to be advisable, even if it were feasible, to carry out the disarming in your quarter with the same stringency as in the districts more to the south. Though I should very much like to make a very severe example of one or two of the most notorious of the turbulent villages in your jurisdiction, still the season is so far advanced, my military means are so small, and the importance of coming to an amicable arrangement with the chiefs of Myhee Kanta is so great, that I would consent to the scale of arms mentioned in para. 6 of this letter, even in the worst of your "Mehwassee" villages, if by that concession I could avoid an open rupture at present.

11. In two words, the whole measure hinges upon you. If you can make any amicable arrangement with the chiefs immediately round Degaon, I see no reason why we should not be able to disarm all that tract of country which is included within the triangle Sadra, Kupperwanj, and Dolka.

12. If it were possible for you to be able to secure the co-operation of Edur and the northern chiefs, we might, during and after the monsoon, gradually extend the measure towards Kurree, Puttun, and Deesa; but unless you can make some arrangement near Degaon, we must even now limit the disarming to the walls of the city of Ahmedabad.

13. His Highness the Gaekwar is most anxious to visit Ahmedabad. I also should like exceedingly to go there, and until the receipt of your private letter above referred to, I was strongly of opinion that by sending for the chiefs, and receiving them handsomely, I could forward the measure; but in this, as in every other step of the proceedings, I will be guided altogether by your opinion.

I have, &c.
(signed) *R. C. Shakespear*.

No. 14 of 1858.—Foreign Department.

From Brigadier-General Sir *R. Shakespear*, Knight, Resident, Baroda, to *G. F. Edmonstone*, Esq., Secretary to the Government of India with the Governor General, Allahabad.

Sir, Baroda Residency, 25 March 1858.

In my letter, No. $\frac{7}{240}$, of date 27th ultimo, I reported that measures were being taken by the Bombay Government and his Highness the Gaekwar, for disarming the people generally in Guzerat.

2. The British districts of Surat, Broach, and Kaira have been thoroughly disarmed, and detailed reports will doubtless be sent in speedily. The operation is going on successfully in Scindia's Punj Mahals, and in Rewa Kanta generally, and the city of Ahmedabad has been thoroughly disarmed. As yet, not a single shot has been fired.

3. The Gaekwar's districts, which are more immediately intermixed wtih the above, are those which have been first attended to.

The district of the Pitlaud, belonging to the Gaekwar, lies in the centre of our Kaira district.

The Sowlee district lies between Kaira and Rewa Kanta, and his Highness's Mahal of Wusravee is almost as much interlaced with our Surat district as Pitlaud is with Kaira.

4. I have the honour to forward three separate returns of these districts. It will be seen that the armed portion of the population is stated to amount (as per margin)* to 14,438.

* Pitlad	- 11,374
Sowlee	- 1,986
Wusravee	- 1,078
Total	- 14,438

5. The total number of arms of all sorts found in the possession of these 14,438 men is (as per margin) 20,104.

Pitlad	- 15,768
Sowlee	- 3,055
Wusravee	- 1,281
Total	- 20,104

6. The total number of weapons of all sorts left with the people is (as per margin), 7,323.

Pitlad	- 5,568
Sowlee	- 1,225
Wusravee	- 530
Total	- 7,323

7. So that, deducting 7,323 from 20,104, we get 12,781 as the total number of weapons taken from the armed population of those three districts. The details of the last-mentioned item, 12,781 are—

Fire-arms	- 646
Swords	- 6,200
Miscellaneous	- 5,935
Total	- 12,781

8. All the surrendered arms will be sent into Baroda, and when stored, the durbar has invited me to come and see them with my own eyes. I have entered into these details regarding the 214 villages of these three districts, because a doubt generally exists of the possibility of a Mahratta court acting with honesty.

9. Preparations are going on for carrying out the measure throughout the Baroda and other districts between the Mhye and the Taptee. The general rule

rule which the durbar has laid down is to allow each village to retain the arms noted in the margin,* though large villages have more and small villages less, still throughout the whole district, the number of villages, multiplied by 30, will give the number of swords, by three the number of guns, by 20 the number of bows, and by five the number of daggers. In bad villages the number of all arms is reduced much below the above scale. Each village, when settled with, gives its written agreement to the arrangement, and binds itself not to allow more arms to enter its limits, and to arrest all travellers who carry arms without a pass.

* For headmen:	
Swords - - - - -	10
Guns - - - - -	3
Daggers - - - - -	5
	18
For watchmen:	
Swords - - - - -	20
Bows - - - - -	20
	40
Total Arms per Village - -	58

10. Very strict rules have been made for preventing travellers passing through the country armed without passes. One uniform form of pass has been fixed on, and will be lithographed, and the sign and seal of a British officer is required to enable armed men to pass through any portion of British territory in Guzerat. The different British officers have been called on to send me monthly returns of such passes as they may give, in order that in my capacity of Political Commissioner I may report on the subject to the Bombay Government.

I have, &c.
(signed) *R. Shakespear.*

Resolution by the Board, dated 5 April 1858.

Resolved, That the proceedings reported in this letter are generally approved and that the intelligence conveyed is satisfactory.

The Right Honourable the Governor in Council considers that Major Whitelock has a difficult duty to perform in disarming the Myhee Kanta, but his Lordship in Council fully approves of the instructions issued to him by the Political Commissioner, and especially concurs in the view expressed by Sir R. Shakespear, that the best policy is to advance step by step by bringing all the influence and *prestige* of our authority to bear upon each district in succession.

(signed) *Elphinstone.*
A. Malet.
H. W. Reeves.

No. 308 of 1858.

From Brigadier General Sir *R. Shakespear*, Political Commissioner, Guzerat, to *H. L. Anderson*, Esq., Secretary to Government, Bombay.

Sir,

Baroda, 3 April 1858.

I have the honour to forward a letter from Major Whitelock forwarded to me under flying seal, and also copy of a letter from him to my address, numbers and dates as per margin.*

* Letter No. 169, of 31st March, from Major Whitelock to Secretary to Government.
Letter, No. 173, 1st April, from Major Whitelock to my address.

2. The Right Honourable the Governor in Council will learn with great regret that the very influential Chief of Mondetta has gone into rebellion.

3. I was quite unprepared to expect this misfortune. I have received no hint from Major Whitelock of its being probable.

4. The rebellion of this powerful chief would at any time cause serious anxiety, but coming at the present moment, it is seriously embarrassing.

5. The sole cause appears to be despair at his hopeless state of indebtedness to private creditors, and his hope of raising money by highway robbery.

6. It is true, that when he took this step, the thakoor of Mondetta knew nothing about the disarming, and that the latter measure has not influenced him; but his having enlisted mukranees, and through them raising contributions,

tions, his making shelter for himself on a hill, and sending away his family, are all acts which show that he is ready for anything, however desperate, and to such a man the disarming will give both followers and a war cry.

7. Major Whitelock does not appear to view this question in the above light, and (after his knowledge of Mondeta's rebellion), he still urges me not to move a force into Mahee Kanta. He ought to be the best judge; but I will send him a copy of this letter, in order that he may see how very seriously this untoward event will, in my opinion, affect the great measure of disarming.

8. As I understand the matter, we have for many years managed the estate of Mondeta, and our measures have all tended to separate that chief from his liege lord of Edur. That this is the opinion of the latter is clear from his communication of 29th ultimo, to Major Whitelock; under these circumstances, I think that the application made to Edur cannot be productive of good, and the 40 sebundee, if sent by Edur, will, I fear, precipitate a disturbance.

9. I incline to think the only course would have been for Major Whitelock (at first) directly he heard about the entertainment of mukranees to have sent for Mondeta; perhaps he knew the man would not come, but there was more chance of his coming than of his arresting and sending the mukranees, who doubtless acted under his orders in the exactions made by them.

10. I will signal to Major Whitelock as follows: "Do your utmost to induce Mondeta to come in to you; give him any safe conduct you like: if he refuses, or if he commit any act of open rebellion, you must call at once on the officer commanding at Ahmedabad for the troops already placed at your disposal. Be careful in your invitation to Mondeta (to come in) to use no threatening language."

11. Before I had heard of this misfortune, I had signalled that the Maharajah was to reach Ahmedabad on the 12th; but that if the chiefs could be collected by the 8th, I would be at Sadra on the 9th and 10th. Edur may now plead that Mondeta's threatening attitude puts it out of his power to come to Sadra.

12. Pages 38 to 41 of No. 12 of new series of Bombay selections, give details regarding thakoor Sooruj Mull of Mondeta; his antecedents and his character, as there sketched, depict him as precisely the very person to give us trouble at this particular time.

I have, &c.
(signed) *R. Shakespear.*

No. 169 of 1858.—Political Department.

From Major *Whitelock*, Political Agent in the Mahee Kanta, to *H. L. Anderson*, Esq., Secretary to Government, Bombay.

Sir, Dated Sadra, 31 March 1858.

I HAVE the honour to submit the translated substance of a letter from the Rajah of Edur, relative to the rumours abroad regarding the suspicious proceedings of the thakoor of Mondeta.

2. I had heard before of his sending his wives away, and, on the 26th instant, I had written to the Rajah of Edur, to request that he would send for the thakoor, and insist upon his discharging immediately the mukranees lately taken into his service, and to take security from him that he would entertain no more.

3. Subsequently, it was reported by the attachment carkoon, in charge of the Mondeta talooka, that five of these mukranees had seized the patels of some of the villages belonging to that estate, and had kept them in durance to compel them to pay "hathgirna" to the thakoor; and I wrote at once to demand the surrender of these offenders to answer the charge preferred against them, and I have strengthened the thana of horse, stationed there to afford protection to the villagers.

4. During my recent visit at Edur, the thakoor of Mondeta waited on me several times on the subject of his embarrassments. He complained bitterly against the measure of reducing his allowances, and against the conduct of the Edur durbar, in exacting from him the full amount of ghansdana and kitcheree, when his involvements had chiefly (he said) arisen from the marriages of his daughters to the raja. He at that time asked, and pressed my allowing him to levy "hathgirna" upon his villages, and which I refused to do,

on account of the people being already overtaxed, and I repeated, that levying "hathgirna" now, would be equivalent to driving them to other estates. On his pressing the question, however, as one of right, I told him that I would allude to it in my next report on the financial condition of his estate, but that I would most certainly recommend that his application was not complied with.

5. His principal object, at these interviews, was to obtain my consent to his joining Maharaja Tukt Sing at Jodhpoor, and even that seemed to have been forgotten afterwards in his anxiety that I should insist upon the Rajah of Edur taking back a gold "hookah" which he had presented to the chief of Oondnee, to the great annoyance of all his other sirdar puttavuts; but on promising to speak to the raja on the subject, he left for his home in a much better humour than I had seen him for a long time.

6. What course the thakoor will pursue it is difficult to surmise; the removal of his family, and the entertainment of mukranees, though as yet limited to only 25, is suspicious; but, on the other hand, he is very fond of his child, and, on his account, he would hesitate before seriously committing himself with the Government. He is, however, greatly under the influence of the Brahmins, among whom his creditors are some of the leading men, and what they may counsel him to do in the hope, preposterous as it may appear, of eventually having their claims admitted, there is little use in speculating upon.

7. I shall be better able to judge of the thakoor's intentions, when I receive a reply to my reference on the subject of the rumour of the thakoor being engaged in erecting temporary buildings at the top of a high hill about two miles from Mondeta.

8. I beg to add that I shall transmit this report, under a flying seal, to the Political Commissioner in Guzerat.

I have, &c.
(signed) *C. R. Whitelock*,
Political Agent.

TRANSLATED substance of a letter from the Rajah of Edur, No. 1725, dated the 29th March 1858, to the address of Political Agent in the Mahee Kanta, A.C.

As Sudasew Ramajee (head attachment carkoon at Edur) was proceeding to Bheelora for the purpose of collecting the Veera collections, he heard a report that the thakoor of Mondeta, having already sent one of his wives to Jodhpoor, had despatched his other wife, with his son, to the house of her father at Soodasuna, preparatory to going into Bharwutteea, and which proceedings had greatly alarmed the inhabitants of the neighbouring villages. The above-named attachment carkoon was directed to ascertain and report, whether there was any foundation for the rumour. The carkoon's report is now enclosed to you, from which you will learn that, although the truth of the rumour is neither established nor refuted, as to the thakoor's intention of going into Bharwutteea, yet his manner was confused, and he declared that it was better to die than to live amidst his present perplexities, which is rather confirmatory than otherwise. It is also asserted, that the thakoor is preparing a place of residence in the hills, so that no reliance can be placed upon him. It also appears from the carkoon's report, that he has added to the number of his mukranee followers, but whether with your sanction or not, he cannot say. All these circumstances being taken into your consideration, you will do what you think proper in the matter, and oblige me with a reply on this subject.

(True substance.)
(signed) *C. R. Whitelock*,
Political Agent.

(No. 173 of 1858.)

From Major *Whitelock*, Political Agent, Myhee Kaunta, to Brigadier General Sir *R. Shakespear*, Political Commissioner, Guzerat.

Sir,
Sadra, 1 April 1858.

I HAVE the honour to acknowledge the receipt of your letters Nos. 274 and 279, dated respectively the 28th and 30th ultimo; and with reference to para. 5 of the latter, I beg to state that I fully concur with you in opinion, that no troops shall enter the Myhee Kaunta until absolutely necessary.

2. It can scarcely be expected that anything less than evasions, threats, and perhaps attempt at intimidation, will be resorted to in both the Barreea and Wutruck Kaunta zillas, before the surrender of the arms, with which the chiefs and their dependants conceive they have hitherto secured to themselves, their lands, privileges, and liberty, is effected; but as I consider that our success of disarming this country, without a great sacrifice of life, will mainly depend on the inhabitants of those districts setting a good example to the others by complying peaceably with the orders of the Government, and unless an act of violence is

is committed by the people, I should feel disposed to show as much forbearance at the commencement as possible, and which course would, I think, in the end, prove to be a gain of time; for were we obliged to begin the work with bloodshed, the inhabitants of the hills and covered country would consider that they were bound in honour to offer resistance in aid of those from the plains, who had sought asylum with them; but of course I should always keep in view what has to be accomplished, if possible, before the rains, and limit the time allowed for consideration.

3. You have been already, by my demi-official letters, informed what steps have been taken by me, since the dispatch of my letters Nos. 159 and 160; and from what I can gather around this, the announcement of the register of arms being required, which of course by this time is understood to be a surrender of them, has caused great excitement. I had a long interview this morning with Puthojee Bhutajee, the maternal uncle of the Raja of Edur, who is greatly in favour, and principally consulted in all matters of difficulty or importance by the raja, and he implored me to proceed with great caution, as death was far preferable than dishonour to a rajpoot; and when I had read to him your proclamation, dated 28th ultimo, and fully explained that it was not your wish to take a single sword from a rajpoot, he declared that the koolies were their armed followers, and that it was impossible that the dignity of the chiefs could be maintained, if their retainers were dispossessed of their arms. As I knew that he would report the result of this interview, I thought it right to explain what would be the fate of those who were so wrongheaded as to offer any opposition, and he left me full of promises of doing his best to persuade others to render every aid.

4. With reference to my letter dated yesterday, No. 169, to the address of Mr. Secretary Anderson, which was forwarded, under a flying seal, to yourself, I beg to inform you that intelligence has just reached me that the thakore of Moudeta left his home on the night of the 30th ultimo, and has taken up a position, with about 40 armed followers, upon a high hill near Mondeta, called Phalkee, from which he was driven about 23 years ago, when he went into Bharwuteea, regarding a quarrel with his father. It would not be prudent to send any of our troops after him, I am of opinion, until the disarming measures are further advanced; but I have written to the Raja of Edur to despatch 50* sebundees, and to see what can be done to induce him to return, if he has proceeded there for the purpose of extorting money from the neighbouring villages.

* The thanna of horse has been increased to 50.

I have, &c.
(signed) *C. R. Whitelock.*

(No. 275 of 1858.)

From Brigadier General Sir *R. Shakespear*, Political Commissioner, Guzerat, to *H. L. Anderson*, Esq., Secretary to Government, Political Department, Bombay.

Sir, Baroda, 29 March 1858.

I HAVE the honour to forward (1.) Copy of telegram received yesterday at 8 a.m., from the Right honourable the Governor of Bombay; and also to forward copies of the following letters and telegraphic messages sent by me, consequent on the order to disarm the villages in the Mahee Kanta:—

(2.) Copy of telegraphic message, No. 267, to the Right honourable the Governor.

(3.) Copy of telegraphic message, No. 270.

(4.) Telegraphic message, No. 269, to the officer commanding at Ahmedabad.

(5.) Letter, No. 274, to Major Whitelock, enclosing a proclamation to be issued by him, in my name, to the chiefs and people in the Mahee Kanta.

(6.) Secret and confidential letter, No. 272, to Major Agar.

2. The arrangements I contemplate to enable me to carry out the orders of the Government have in view the formation of three columns, in addition to a garrison at Ahmedabad.

3. I wish to get a wing of a regiment of European infantry from Bombay to Gogo, with a view of advancing it on Veergaum. I should like to assemble at that place the force as per margin. This would be the left column.

A wing European Regiment from Bombay.
Six guns, Coneybear's Battery.
11th Regiment, N. I.
200 Goozerat I. Horse.

4. It will also be seen that I have applied to be allowed to detain the wing of the 7th regiment, native infantry, my object being to enable

enable me, with it, and three of Captain Hossack's Golaundaze guns, and the detachment, 4th Queen's, now here (which I intend to move up), to garrison Ahmedabad.

Six guns Hatch's European Battery.
Wing Her Majesty's 89th Regiment.
2d Grenadier Regiment, N. I.
100 Guzerat I. Horse.

5. I propose to move the force, as per margin, to Sadra. This would be the right column.

Two guns X. Royal Battery from Baroda.
Three mountain train guns, manned by Golaundaze from Ahmedabad.
100 Guzerat I. Horse.
50 4th Queen's.
One company 14th Regiment N. I., now at Sadra.
300 Major Agar's Police.

6. It will be seen also that I hope to get the services of some of Major Agar's policemen. I hope, with the aid of the field detachment at present in Rewa Kanta, to assemble a third column of the strength noted in the margin. I should like this field detachment to be lightly equipped, and kept marching about, as may be necessary, between the left and right columns.

7. The three columns might, I think, be all in their respective places by the 15th proximo, and I should then have a force so imposing, both as to actual strength and position, that I should feel nearly certain of carrying out the whole measure, even up to Puttun, without firing a single shot.

8. By the 10th May I should expect to be able to fall back, with a considerable force on Cambay; and having disarmed it, I could send the wing of the 7th Native Infantry, and the wing, European regiment, down to Bombay.

9. In the event of the Bombay Government requiring the services of the wing 7th Regiment, Native Infantry, immediately, and if it is impossible to send me any reinforcement of European infantry, I must endeavour to carry out the orders of Government with the remainder of the force.

10. There will be difficulty, and possibly some opposition, but still, as I find that I have (exclusive of artillery in cantonments) no less than 17 guns available for field operations, I feel that I ought not to hesitate to carry out the orders of Government.

11. I shall be at Ahmedabad by the 8th proximo, and His Highness the Gaekwar will march from Baroda on that day, arriving there on the 15th idem.

12. It will be noticed that I have not referred to the detachment 4th Queen's, expected from Kurrachee, in the "Prince Arthur;" I have no news of its departure, and it may be detained at Beyt.

I have, &c.
(signed) *R. Shakespear*, Brigadier General,
Political Commissioner, Goozerat.

Enclosure No. 1.

Service Message.

From Malabar Point, to Baroda.—Saturday, 27th March, 5.40, evening.

From the Governor to Sir *R. Shakespear.*

(Immediate.)

Your letter of the 24th to Mr. Adam is received.

It would not do to back after having gone so far.

Mahee Kanta should be disarmed.

We cannot disarm the Ahmedabad districts unless Mahee Kanta is disarmed also.

You may carry out the measure with as little personal annoyance to chiefs and people as you think right, and you should try to get over Major Whitelock's objection, and press him into immediate action.

No time should be lost in raising the Bheel corps.

Enclosure No. 2.

(No. 267.)

Service Message.

From Baroda to Bombay.

From Resident to the Governor.

Baroda, 9 a.m., 28 March 1858.

The telegram of evening of 27th has just reached me; I have sent it on by telegraph to Ahmedabad, to be forwarded by "express" to Sadra.

Pray send any Europeans that can be spared to "Gogo," and I undertake that they shall be back at that place by the 1st June.

No news of the "Prince Arthur" up to this time.

(signed) *R. Shakespear.*

Enclosure No. 3.

(No. 270.)

Service Message.

From Baroda, 28th March 10.30 a.m., to Bombay.

From Resident to the Governor.

The left wing of 11th Native Infantry will be at Ahmedabad about the 11th April.
May I detain the left wing of 7th Native Infantry for six weeks?
It will be most valuable.

(signed) *R. Shakespear.*

Enclosure No. 4.

(No. 269 of 1858.)

Service Message.

From Baroda to Ahmedabad.

From Sir *R. Shakespear* to Colonel *Lucas.*

Baroda, 28 March 1858.

I wish you to tell off a detachment of Native Artillery from Hossack's battery, to be drilled under Lieutenant Woodward, in mounting and dismounting and managing the mountain train guns.

Those guns are to be put in a perfect state of efficiency as to cattle and equipment of every sort.

(signed) *R Shakespear,* Brigadier General,
Political Commissioner, Guzerat.

Enclosure No. 5.

(No. 274 of 1858.)

From Brigadier General Sir *R. Shakespear,* Knt., Political Commissioner, Guzerat, to Major *Whitelock,* Political Agent, Rewa Kanta.

Sir, Baroda, 28 March 1858.

With reference to a telegram, of date 27th instant, from the Right Honourable the Governor of Bombay, copy of which was telegraphed to Ahmedabad, to be forwarded to you at Sadra, from that place by "express," I have the honour to forward copy of a proclamation, which I request you will make generally known throughout your jurisdiction.

2. I beg you will give to each of the chiefs, or their karbarees, a copy of this paper.

3. I am arranging to collect every available man in the division at Ahmedabad, and I will undertake to put down any opposition that may impede your efforts; but it is my earnest desire to carry out this measure without proceeding to extremities against any class of the people.

4. The conditions on which I am about to act, and the principles by which I shall be guided, have been detailed at length to you in my letter, No. 244, of date 5th instant, and the

the previous letters, Nos 144 and 167, referred to therein, and I am sure I may depend upon you to explain them fully and clearly to the chiefs in your jurisdiction.

5. It is my intention to be at Ahmedabad early next month. If the presence of the Maharaja, who will also be there, should cause an objection to the chief's visiting Ahmedabad, I will very willingly come over to Sadra, and meet them there, if you think a meeting would forward the cause.

6. The first step to enter on is the registration of the arms, and I beg you will take every means in your power to expedite it, more particularly in the first instance, about Dehgaon.

7. I need hardly say how anxious I shall be to hear from you, and I hope you will write daily, demi-officially, and send by "express" from Sadra to Ahmedabad, to be telegraphed from that place to me, anything of importance that may occur.

8. As it is possible that villagers might leave their houses and fly to the jungles to escape the disarming, and as this would completely hamper us in carrying out the measure, I wish you to explain to all chiefs and landholders that Government is very decided about the measure; and that they (the chiefs and landholders) will be held responsible that the people on their estates do not desert their villages and take to the jungle.

I have, &c.
(signed) *R. Shakespear*, Brigadier General,
Political Commissioner, Guzerat.

PROCLAMATION

By Brigadier General Sir *R. Shakespear*, Knt., Political Commissioner in Guzerat, Commanding N. D. A., and Resident at Baroda.

To the Chiefs and People of the Myhee Kanta.

Be it known to you that the Right Honourable the Governor in Council has appointed me to command all the troops in the province of Guzerat, and has also invested me with full political powers in that province.

I have received the orders of the British Government to disarm the different villages and towns in the province.

His Highness the Maharaja Khundé Rao Gaekwar has also been pleased to issue a similar order throughout His Highness's territory.

Some people of the Broach and the Kaira districts were guilty of treasonable conduct during the past year, and those districts have therefore been disarmed with the greatest severity; but it is by no means the intention of the British Government or of His Highness the Gaekwar, to subject any person of rank and respectability to unnecessary indignity.

I have lived for years among rajputs, and know and like them. It is not my intention to deprive the rajputs of the Mahee Kanta of their swords.

The chiefs and their brotherhood will be allowed to keep their personal arms, but it is necessary that they should register all arms in their possession, and in the villages of their respective estates.

Notoriously bad and turbulent characters will be deprived of the arms by which they have already done so much mischief to the respectable inhabitants and peaceful travellers throughout the province; and I hereby call upon all respectable persons and the chiefs who have so long enjoyed the protection of the Sirkar, and who hope for its favour, to aid me in carrying out this measure.

(signed) *R. Shakespear*, Brigadier General,
28 March 1858. Political Commissioner, Guzerat.

Enclosure No. 6.

(No. 272.)

From Brigadier General Sir *R. Shakespear*, Knt., Political Commissioner, Guzerat, to Major *Agar*, Superintendent of Police, Ahmedabad.

(Secret and Confidential.)

Sir, Baroda Residency, 28 March 1858.

I have the honour to forward to you a copy of the resolution of the Bombay Government, of date 16th instant; and in virtue of the power therein vested in me, I request you will send me the present state and distribution of the whole of the police, both new levies and old, under your command.

2. I am

2. I am about to enter upon a very serious undertaking, which will require every available man within the province. After collecting the whole of the regular troops at my disposal, I shall be very far short of the strength which I deem advisable to enable me to carry out the disarming of the country between Ahmedabad and Deesa.

3. You will understand from the above how highly important it is that the police under your command should be able to aid me.

4. I desire to know from you whether your men, or any portion of them, are sufficiently drilled, and so efficiently equipped as to qualify them to be able to act with regular troops. You should on no account hesitate to tell me if you have any doubts on that point; but I trust, if that is the case, your men will be fully equal to aid in holding the camp at Ahmedabad, providing escorts, &c. &c.

5. As one portion of the contemplated arrangements, I am very anxious to have two small moveable forces equal to rapid marches, and lightly equipped. I could provide for them two guns manned by Europeans, and perhaps 100 or 150 European infantry. If your men are like the irregular corps that I have hitherto seen on service, 300 of them, coupled with the above, would give me one of the light moveable columns referred to, the services of which would be very valuable to Government.

6. It will be very important that you should inform me whether your levies, having been raised in that part of Guzerat, would have local prejudices and feelings, such as would render it unadvisable to employ them in the operations in question.

7. I beg an early reply to this letter.

I have, &c.
(signed) *R. Shakespear*, Brigadier General,
Political Commissioner.

(No. 283 of 1858.)

From Brigadier General Sir *R. Shakespear*, Political Commissioner, Guzerat, to *H. L. Anderson*, Esq., Secretary to Government, Bombay.

Sir, Baroda, 30 March 1858.

In continuation of my letter, No. 275 of yesterday's date, I have the honour to inform you that, after that letter had been written, I received a telegram from the Right honourable the Governor of Bombay, informing me that the left wing of the 7th Regiment Native Infantry must not be detained by me; also that the only European reinforcement that could be sent from Bombay, was a company of the 92d Highlanders to relieve the company 51st Queen's, which I was empowered to draw up the country.

2. About the same time I heard by post from Kurrachee that the detachment of the 4th Queen's would start in the "Prince Arthur" on the 27th; no mention is made of the Reserve Company, Royal Artillery, but as the telegram mentioned it, I hope it will be sent, and have made arrangements for tents, &c., for it, as well as the detachment 4th Queen's, at Surat. I have also ordered up the company of the 51st as quickly as possible to Baroda, on being relieved by the company 92d.

3. The telegram referred to above will necessitate the following changes in the arrangements detailed in my letter, No. 275, of 29th instant:—

1st. The left column will now consist of the whole of the wing, 4th Queen's (about 320 strong), six guns Conybeare's battery, one wing 11th Regiment Native Infantry, and 200 Guzerat Irregular Horse.

2d. The garrison for Ahmedabad must now consist of a wing of the 11th Regiment Native Infantry, three of Captain Hossack's Golaundauze guns, and the company of 51st Queen's.

4. No change would be necessary in the right column, or in the field detachment, as described in paras. 5 and 6 of my letter, No. 275.

5. I am weaker than I expected by one wing of a native regiment, but I am stronger than I anticipated by the reserve company which I hope to receive; and it is just possible that its services may be invaluable to me in the event of any fortified village giving trouble, as of course I could take guns from the Ahmedabad magazine, and man them most efficiently by this splendid company.

6. I beg the Government to understand that, though I believe it my duty to enter into all these details, still I have every expectation of being able to carry out this great measure without having recourse to coercive measures.

7. Not only shall I be grievously disappointed if I have to carry the measure out by actual force, but I entertain a strong conviction that I shall be able to succeed by marching through the country the wing of Her Majesty's 89th and Conybeare's battery, which, under any circumstances, would have had to go to Deesa.

8. I base this conviction upon the principles on which I am about to act; if I was about to subject the Rajpoot chiefs to the indignity of depriving them of their personal arms, or if I intended to deprive each Rajpoot in the country of the sword, the bearing of which I know him to regard with just as much prejudice as we ourselves did a few centuries back, I should then look to a bloody and most inglorious campaign; but acting on the principles I have already mentioned, the only danger that I anticipate is that the people may quit their villages in large numbers, and take generally to the system of Bharwuteea; this danger I hope to avoid by securing the co-operation of the chiefs.

9. On the other hand, I beg to say that I intend to disarm thoroughly the notorious Mewassee villages, the Cooly population of which have so long been the terror of Guzerat. I am sanguine enough that by making a great display of force at or near Ahmedabad, I shall be able to act with severity against all such villages (not only in our own district of Ahmedabad, but in the northern possessions of the Gaekwar) without firing a shot.

10. But let the event be as it may, I trust that the Bombay Government will think that I have both made every effort to avoid an outbreak, and taken every precaution that the military means at my disposal will admit of to put down any outbreak that may occur.

I have, &c.
(signed) *R. Shakespear*, Brigadier General,
Political Commissioner, Guzerat.

(No. 1202 of 1858.)—Secret Department.

From *H. L. Anderson*, Esq., Secretary to Government, Bombay, to Brigadier General Sir *R. Shakespear*, Knt., Political Commissioner, Guzerat, Ahmedabad, dated 4 April 1858.

Sir,

I AM directed by the Right honourable the Governor in Council to acknowledge the receipt of your two letters dated the 29th and 30th March last, Nos. 275 and 283, regarding the reinforcements required by you for carrying out the arrangements for disarming the province of Guzerat.

I am desired to inform you in reply, that the wing of the 7th Native Infantry cannot be detained without disarranging the plans of the Commander in Chief for sending troops to Mhow and Central India.

The Right honourable the Governor in Council desires me to explain, with reference to the enclosures to your first communication, that an important mistake was made in the telegram sent you on the 28th March, requesting that a wing of Europeans might be sent to "Gogo;" the words in the message received by the Right honourable the Governor were "any Europeans that can be spared to go." His Lordship accordingly telegraphed to you that three companies of Highlanders should be sent by the "Feroze" to Surat; this again appears to have been changed into "one" company.

The Right honourable the Governor has now, I am desired to state, telegraphed to you that the three companies of Her Majesty's 92d Highlanders, despatched by the "Feroze," are at your disposal; that they can be landed either at Surat, Gogo, or Cambay; but if at either of the latter places, they must be sent in country boats, as the "Feroze" must not go beyond Surat; the Right honourable the Governor in Council desires me to express a hope that the Highlanders will not be moved further up than the places mentioned above.

In

In conclusion I am directed to state that your measures of disarming appear to be well considered and judicious, and the Right honourable the Governor in Council looks with confidence to their being carried out successfully.

I have, &c.
(signed) *H. L. Anderson*,
Secretary to Government.

No. 436 of 1858.

From Brigadier General *Lawrence*, Officiating Agent, Governor General for the States of Rajpootana, to *H. L. Anderson*, Esq., Secretary to the Government of Bombay.

Sir, Camp near Kota, 7 April 1858.

In acknowledging the receipt of your letter, No. 605, dated the 15th February last, with enclosure, relative to the disarming of the population in Guzerat and its extension to the districts on the frontier between that province and Rajpootana, I have now the honour to forward, for the information of the Right honourable the Governor in Council, copy of one in reply to mine, from the Officiating Political Agent, Jodhpoor, on the subject; a reference has also been made to the Political Superintendent Serohee for his opinion.

2. As bearing on the same subject, I do myself the honour to annex copy of correspondence as per margin, with the Officiating Political Agent, Meywar, and his assistant in the hilly tracts; at present I am not prepared to record my opinion on the feasibility of carrying out the disarming act on the borders of Rajpootana; this shall be done when I am in possession of better information on this important subject.

From Officiating Political Agent Meywar, to the Officiating Agent Governor General Rajpootana, dated 27th March 1858, No. 91, with enclosures.
To ditto, ditto, dated 6th April 1858, No. 429.

I have, &c.
(signed) *G. St. P. Lawrence*,
Officiating Agent, Governor General.

Enclosure 1, in No. 436 of 1858.

(No. 14.)

From Major *R. Morrieson*, Officiating Political Agent, Jodhpore, to Brigadier General *G. S. P. Lawrence*, Officiating Agent, Governor General, for Rajpootana.

Sir, Jodhpore, 22 March 1858.

I have the honour to report that I took the earliest opportunity to communicate with his Highness the Maharajah on the subject of co-operating in the general scheme of disarming the population of the country in our own and the Marwar territory, as requested in your circular letter, No. 279, of the 2d instant.

He appeared perplexed on the subject, as it was unexpected, and novel in its nature, and referred to the difficulty of coercing his own thakoors; and stated that it was only a government that was very strong and despotic, and not burdened with jealous feodaries, whose united opposition would be more than sufficient to set his authority at defiance, that could carry out such a scheme; that it would be quite easy and practicable in the Khalsa villages; but as all the more valuable portion of his territory was held in Jagheer, and his authority was merely nominal of these, the manner in which the wishes of the Supreme Government were carried out might be made a fertile cause of difference between him and the British authorities, or between him and his thakoors, according as each might choose to construe the action and working of his measures and he was therefore dubious of the result.

3. I stated that I did not think the Government would wish to disarm the Rajpoot population, but only the other castes, and those who were not actually in the service of Government; but this gave rise to the question, whether the thakoors would or would not be allowed to keep up their usual retainers of other castes, and a wish that the proposition and objects of Government might be put in some definite form, and a free discussion of the views or proposals, or objections of the native states be invited, in order that the whole might be thoroughly investigated before a measure was introduced so novel in the country, so repugnant to a feudal nobility, and so likely to be unpopular with all, save, eventually, perhaps the Chief himself.

I have, &c.
(signed) *R. Morrieson*.

Enclosure 2, in No. 436 of 1858.

(No. 91 of 1858.)

From Captain *C. L. Showers*, Officiating Political Agent, Meywar, to Brigadier General *G. S. P. Lawrence*, Officiating Agent, Governor General, for the States of Rajpootana.

Sir, Oodypore, 27 March 1858.

I have the honour to forward copy of a letter, No. 25, of the 25th instant, to my address from Captain Annesley, with purport, in English, of a Guzerattee memorandum which accompanied it from the Political Agent in the Myhee Kanta, conveying an interdiction against any armed persons entering the Myheekanta, from the direction of the Meywar —hilly tracts—without a pass from the district official.

2. It would appear that it has been the custom during the past year to furnish passes to armed parties proceeding in any considerable number into Guzerat, but Captain Annesley apprehends it will be attended with great difficulty, if not indeed danger of disturbance. Should it be attempted to apply the system to single individuals, since numbers residing on the border must frequently have occasion to proceed across the border in prosecution of their ordinary avocations, and as all carry arms for self-defence, Captain Annesley considers it will be a great hardship to require every one upon any sudden emergency of business to postpone the same until a reference should be made to him for a pass, and for these reasons he is of opinion, it will be further observed, that the promulgation of Major Whitelock's proclamation in the hilly tracts will excite such dissatisfaction as to endanger the public tranquillity.

3. Premising that Captain Annesley would appear to have misunderstood the proclamation in one particular, for it is not specified, that the required pass must bear the signature of the superintendent of the hilly tracts exclusively, but that of some duly constituted functionary (udhkarree), one ground of Captain Annesley's objection (having reference to the hardship of parties at a distance having to come to Kherwarra for passes) would be removed by the appointment of officers on the border, invested with authority to grant passes, and the names of such functionaries being communicated to Major Whitelock. For the rest, since the general expediency of the measure proposed by Major Whitelock must at this juncture, where so many fugitive rebels are abroad, be apparent to all, I cannot think that if his proclamation were promulgated with one at the same time from the Superintendent of the hilly tracts, pointing out, that the bearing of purwannahs by individuals was necessary at the present moment to save the honest from being molested on suspicion, and that the measure, further, were but temporary, it would excite such dangerous dissatisfaction as Captain Annesley apprehends; but as he has expressed his views on the matter so strongly, especially in para. 4, where he states he cannot hold himself responsible for the tranquillity of the country, if Major Whitelock's proclamation be promulgated in the hilly tracts; and, again, as Major Whitelock's measure may have been taken in pursuance of instructions from higher authority, I think it proper to submit the question referred by Captain Annesley for your consideration, and beg to be favoured with early instructions for Captain Annesley's guidance.

I have, &c.
(signed) *C. L. Showers.*

No. 25 of 1858.

From Captain *R. M. S. Annesley*, Officiating Assistant Political Agent, Meywar, to Captain *C. L. Showers*, Officiating Political Agent in Meywar.

Sir, Kherwara, 25 March 1858.

I have the honour to forward for your perusal copy of a Guzerattee yad, to my address from the Political Agent in the Myhee Kanta, in which I am requested to proclaim through the district under my superintendence, that no armed person will be permitted to enter the Mahee Kanta limits without a pass from me, and in the event of an infringement on the rule, the arms will be taken away, and forwarded to the Political Agent.

2. As no inhabitant of these parts, whether he be Rajpoot, Mussulman, or Bheel, travels without arms, the circulation of Major Whitelock's instructions would, in my opinion, be tantamount to closing the roads to Guzerat, and be attended with the very worst results. It cannot be expected that parties living at a distance from this, and having urgent business to perform in the Mahee Kanta, would, in the first instance, come in here for a pass; nor is it at all likely that such would consent to go without their weapons, on the attempt to seize which, a disturbance would, to a certainty, take place.

3. During the last year it has been the custom for the officer at Kherwarra to grant passes to any respectable body of armed men proceeding to Guzerat, and as each pass entails a separate letter to the officials of that province, much extra work has fallen on the writers in this office. If, then, the pass is to be still further enlarged upon, I must request the favour of your applying for an extra Hindee Newees to be attached to my establishment, as with its present strength it will be next to impossible to carry on my duties satisfactorily.

4. This,

4. This, however, is only a minor objection to the bad effect that Major Whitelock's proclamation will have on those hilly tracts, nor indeed can I hold myself responsible for the tranquillity of the country if the same be circulated.

5. I have therefore to solicit your orders on the subject, and in the event of your coinciding with me, to ask the favour of your addressing the Political Agent in the Mahee Kanta, with a view of his rescinding the orders he has issued.

I have, &c.
(signed) *R. M. S. Annesley,*
Officiating Assistant Political Agent, Meywar.

PURPORT of a Guzerattee Memorandum addressed by the Political Agent in the Myhee Kanta to the Superintendent of the Hilly Tracts in Meywar.

Sadra, 20 March 1858.

No armed parties from a foreign jurisdiction, without a perwanah or pass from the district functionary, will be admitted into the Myhee Kanta; should they do so, their arms to be seized, and sent into the Political Agent. This order has been circulated to all the thanadars and talookdars in the Myhee Kanta. Should the people of the latter place have occasion to travel, they must go without arms, or provide themselves with a pass.

(Translated.)

(signed) *C. L. Showers,*
Officiating Political Agent.

Enclosure 3, in No. 436 of 1858.

(No. 429 of 1858.)

From Brigadier General *Lawrence,* Officiating Agent, Governor General, Rajpootana, to Captain *C. L. Showers,* Officiating Political Agent, Meywar.

Sir, Camp, near Kotah, 6 April 1858.

I HAVE the honour to acknowledge the receipt of your letter, No. 91, of the 27th ultimo, forwarding Captain Annesley's, with purport in English, of a Guzerattee memorandum, interdicting armed persons entering the Mahee Kanta without a pass from the district officer.

2. As the interdiction emanates from the Bombay Government, and as I believe it is intended to disarm as much as possible the whole of Guzerat and other parts of that Presidency; and as I do not see cause for the alarm expressed by Captain Annesley, I beg you will direct that officer to circulate the proclamation.

3. I concur in your view of the case, as expressed in para. 3 of your letter under reply, and request you will instruct Captain Annesley to notify to Major Whitelock the individuals on the border who may be authorised to grant passes, but I would not proclaim that the measure is temporary.

I have, &c.
(signed) *G. St. P. Lawrence.*

No. 1491 of 1858.—Secret Department.

From *H. L. Anderson,* Esq., Secretary to Government, Bombay, to Brigadier General *Lawrence,* Officiating Agent Governor General for the States of Rajpootana.

Sir, 20 April 1858.

I AM directed to acknowledge the receipt of your letter, with enclosures, dated the 7th instant, No. 436, and to inform you that the Right honourable the Governor in Council does not think it would be at all advisable to call upon the Rajpoot princes to disarm their country.

2. The Right honourable the Governor in Council considers the remarks of the Raja of Joudpore to be perfectly just, but his Lordship in Council is at the same time of opinion that the Government has a clear right to prevent all strangers from carrying arms in its own territories, and he sees, therefore, no objection to the notification issued on the subject by the Political Agent in the Mahee Kanta.

3. Copies

3. Copies of your letter and its enclosures will be forwarded for the information of the Political Commissioner in Guzerat, who will be requested to keep you informed of the progress he may make in disarming the districts within his charge, in order that you may be better able to judge whether the same important measure can be introduced into Rajpootana.

I have, &c.
(signed) *H. L. Anderson*,
Secretary to Government.

No. 1492 of 1858.—Secret Department.

From *H. L. Anderson*, Esq., Secretary to Government, Bombay, to Brigadier General Sir *R. Shakespear*, Political Commissioner in Guzerat.

Sir, 20 April 1858.

WITH reference to the Government letter to your address, dated the 17th February last, No. 592, I am directed by the Right honourable the Governor in Council, to forward, for your information, copy of a letter, with enclosures, from the officiating agent for the Governor General for the states of Rajpootana, dated the 7th instant, No. 436, and to request that you will have the goodness to keep that officer informed of the progress you may make in disarming the districts within your charge, in order that the officiating agent may be better able to judge whether the same important measure can be introduced into Rajpootana.

2. Brigadier general Lawrence has been informed that the Right honourable the Governor in Council does not think it would be at all advisable to call upon the Rajpoot princes to disarm their country, and that he considers the remarks of the Raja of Joudpoor to be perfectly just, but that his Lordship in Council is at the same time of opinion that the Government has a clear right to prevent all strangers from carrying arms in our own territories, and that he sees, therefore, no objection to the notification issued on the subject by the Political Agent in the Mahee Kanta.

I have, &c.
(signed) *H. L. Anderson*,
Secretary to Government.

No. 354 of 1858.

From Brigadier General Sir *R. Shakespear*, Knight, Political Commissioner, Guzerat, to *H. L. Anderson*, Esq., Secretary to Government, Bombay.

Sir, Ahmedabad, 9 April 1858.

I HAVE the honour to forward copy of a note of 8th instant from Major Whitelock, and my reply of this date; also a translation and copy of the paper referred to in the latter.

2. I hope that the Right honourable the Governor in Council will think that in the paper which I have sent Major Whitelock for circulation amongst the chiefs of Mahee Kanta, I have exhausted every effort to induce them to aid us in carrying out the great measure of disarming.

3. The Raja of Edur is incomparably the greatest of them, and he appears as yet resolved to take very public means of showing that he is opposed to the measure. His refusing to come to meet the officer who holds my appointment of Political Commissioner would be most disrespectful at any time, but just at the present moment his rudeness may be attended with the very worst results, and embolden many other chiefs to oppose the measure.

4. It

4. It is impossible that I can overlook this contumacy; if the Raja will not come to see me I shall be compelled to visit him, and with a force, it is but fair that I should warn him of the consequences.

5. Major Whitelock ought to know, and it is clear that he thinks the Raja will not come, every other person I have spoken to has a different opinion, and I am very sanguine that he certainly will come.

I have, &c.
(signed) *R. Shakespear.*

My dear General, Sadra, 8 April 1858.

The chiefs evidently do not intend to come in to meet you.

The 7th instant was fixed for the day of their arrival here, and though they are not always very punctual, yet I have not heard of a single Marwaree rajpoot being on the road. Some of the other chiefs (among them the thakoor of Mohunpore) have sent excuses that they are engaged in marriages, mourning ceremonies, or are sick. Some of the chiefs of Kutosun, as mentioned yesterday, are here, and four of the Sabur Kanta chiefs are arrived within a short march of this place.

The Watruck Kanta chiefs are not at all in a good humour, and had I not written pressingly to the chief of Amleeara (the head of his clan) to come here after receiving his excuse—he meant to have remained away—his coming will perhaps induce some of the others to follow; but it is clear to me that evasions and delays would have become very general had I not been supported by a field force. We have no time to waste, and I would suggest that this force move on by the 12th at latest towards Edur.

Believe me, &c.
(signed) *R. Whitelock.*

P.S.—I have received the arms for three villages.

My dear Major, Ahmedabad, 9 April.

Your note of the 8th does not promise well; still the march of the force could hardly have been known when you wrote. However, it will never do to have any doubt about the chiefs coming in to meet me, and I enclose 10 copies of a paper that I beg you will distribute amongst those chiefs who you think the most doubtful. Edur certainly must have a copy, and I hereby authorise you to tell his karkoon, that if the Raja sets an example, and aids our Government, it will be well for him and his house; on the contrary, if he keeps aloof and throws difficulties in the way of carrying this measure, I will so reduce the house of Edur, that it shall not again have the power to annoy the British Government.

Fifty more copies of the paper now sent are being lithographed, and will be sent to you to-morrow.

Yours truly,
(signed) *R. Shakespear.*

Major Whitelock,
Political Agent, Maheekanta.

P.S.—The force is not to advance towards Edur until after my arrival at Sadra on the 14th, unless Mondetea or others commit acts of violence.

(signed) *R. Shakespear.*

TRANSLATION of a Paper sent to Major *Whitelock* for circulation in Mahee Kanta.

Ahmedabad, 9 April 1858.

Be it known to the raeis and thakoors of Mahee Kanta, that on the 14th day of April 1858 I shall be at Sadra.

All of the raeis and thakoors who come to see me at Sadra I shall consider well-wishers of the British Government; and after consulting with them, I will settle some mode by which the arms from the disaffected and turbulent of their respective villages shall be taken, without injury to respectable people.

I wish the arms to be taken through the medium of their own karbarees.

If any of the raeis or thakoors, * * * * * having disobeyed, do not come to see me at Sadra, I shall be obliged to make the arrangement without consulting them, and without employing their karbarees.

I have already sent a force (to Sadra), and I intend to send more; but all who are loyal to the British Government may rest contented that I do not wish to injure them. I shall not subject them to any indignity.

The force is sent to coerce the ill-disposed and turbulent.

Attendance on me at Sadra is the test by which I shall judge of the good-will of all.

(True translation.)

(signed) *R. Shakespear*,
Political Commissioner.

No. 1384 of 1857.—Secret Department.

From *H. L. Anderson*, Esq., Secretary to Government, Bombay, to Brigadier General Sir *R. Shakespear*, Political Commissioner in Guzerat.

Sir, Baroda, 15 April 1858.

I AM directed by the Right Honourable the Governor in Council to acknowledge the receipt of your letter, with enclosures, dated the 9th instant, No. 354, relative to the supposed disinclination of the Raja of Edur, and other chiefs of the Mahee Kanta, to meet you at Sadra, and to inform you that the tenor of your proclamation is approved.

2. The Political Agent in the Mahee Kanta should inform the Raja of Edur that the Right Honourable the Governor in Council considers it the duty of the Raja to meet the representative of the British Government at the present time; that the invitation is one intended as an act of courtesy, and should be responded to in a friendly manner by one who professes to be the friend of the British Government.

3. The Political Agent will be informed, that the Right Honourable the Governor in Council is of opinion that he should personally visit the Raja of Edur at the present time, and urge strongly on the Raja a compliance with the wishes of the British Government, and that the Government will not hold him (Major Whitelock) blameless if the chiefs under his political control are guilty of any disrespect towards the representative of the British Government.

4. The Right Honourable the Governor in Council is glad, however, to perceive, from your telegram of the 14th instant, that your anticipations regarding the arrival of the Raja of Edur are likely to be fulfilled.

I have, &c.
(signed) *H. L. Anderson*,
Secretary to Government.

No. 357 of 1858.

From Brigadier General Sir *R. Shakespear*, Political Commissioner, Guzerat, to the Secretary to Government, Political Department, Bombay.

Sir, Ahmedabad, 10 April 1858.

I HAVE the honour to forward copy of a letter, No. 191, of date 9th instant, from the Political Agent, Mahee Kanta, giving a very unsatisfactory account of matters; but I still think we shall find the Rajpoots come to their senses. The paper I sent to you with my letter, No. 354, of yesterday, will, I hope, do good.

2. Immediately, on receipt of this letter, I sent a note to Major Whitelock, desiring him to tell the Kotusun chiefs that both Mr. Hadow and Major Agar had spoken strongly to me of their good conduct, and that they might depend on my making such an arrangement as would show all people that our Government appreciated their devotion.

3. On 14th instant I march head-quarters, and about 150 men of 89th Foot, to join the field force at Sadra, and I shall probably send with them 150 more sabres of Guzerat Irregular Horse.

4. The

4. The misconduct of Edur and the other Rajpoot chiefs in Mahee Kanta causes me anxiety, because I dread that on its being known that they are opposing the measure, several of the Gaekwar and some of the Ahmedabad villages may offer opposition.

5. If I see any appearance of this I will immediately move another column of such strength as I can collect; and if matters look serious, I will signal down for two companies of Her Majesty's 92d regiment; but I sincerely hope that nothing of the sort will be necessary.

6. After the 16th instant I hope to have a company of the 51st available at Ahmedabad.

I have, &c.
(signed) *R. Shakespear*,
Brigadier General, Political Commissioner.

No. 191 of 1858.

From Major *Whitelock*, Political Agent in the Mahee Kanta, to Brigadier General Sir *Richmond Shakespear*, Knight, Political Commissioner in Guzerat.

Sir, Sadra, 9 April 1858.

I HAVE the honour to inform you that up to the present hour not a single Marwarree Rajpoot chief has arrived here, nor has one, with the exception of the Rajah of Edur, sent an answer to say what has prevented him from accepting the invitation forwarded on the 30th ultimo, to come here on the 7th instant for the purpose of meeting you.

2. This strange conduct is indicative of the counsel the Rajah of Edur is likely to receive, at the present juncture of affairs in the Mahee Kanta, from his Sirdar Puttavuts; and that I may have better information of what is taking place, I sent an express yesterday morning to Chotalall Oomedram to leave Chandup, and to remain at Edur, with a view of gaining intelligence of the Mondetta Thakoor's proceedings, and of ascertaining what is going on at other places, with directions to report daily to me.

3. This day I have written to inform the Raja of Edur that you have deferred your arrival here until the 14th instant, that you might have the pleasure of making his acquaintance, and that you will not believe that any trifling illness would be allowed to interfere and prevent that consummation, and I requested him to receive Chotalall, who, I beg to state, has been instructed to tell the Raja that I should receive no excuse for his non-attendance on the appointed day, but, on the contrary, I should look upon his absence as uncourteous and disrespectful both to yourself and to the Government, and which, I hope, may have the desired effect of bringing him to a proper sense of his duty.

4. Yesterday I reported, in a demi-official form, that I had heard that four of the Sabur Kanta chiefs were within a short march of this; but it appears that they did not proceed so far, and repaired, after setting out on their journey, to the residence of the Thakoor of Ellole; and having consulted him, they told the carkoon in charge of that district, that when the Marwarree and Rehwar Rajpoots had been disarmed they would submit, and not before, and that as the registration of arms would be followed by their seizure, they would not register them; and they demanded of the carkoon information as to what act of contumacy they had ever committed that they should be forcibly compelled to give up their arms. The Ellole chief's principal karbaree, and the head patell of Ellole, are here (in fact, were my informants yesterday of the Sabur Kanta chiefs being within a short march); and having just sent for them, they inform me that a note in the names of the chief of Ellole and his eldest son was received by them last night, directing them instantly to leave Sadra to join them, but they, knowing fully how far matters have progressed elsewhere, and the results of my interview yesterday with the chiefs of Kuttosun, have written an answer, urging the Ellole chief's eldest son to repair to Sadra without a moment's delay or hesitation. The chief himself is a very infirm old man, and I had informed him two months ago that his attendance upon me would be dispensed with in future, out of consideration for his health. The chiefs in the Sabur Kanta must submit peaceably to the measure, as they have no means of defending themselves in their own country, and they will not, I conceive, be prepared to forsake their homes and lands. The Watruck Kanta chiefs are in the same predicament; but to show them that the Government orders cannot be evaded, I shall shortly commence collecting the arms from their villages.

5. I had a very long interview yesterday afternoon with Ranajee Bhugwanjee, and the other chiefs of Kuttosun, who had petitioned against the disarming measure being introduced into the district, and begged that I would delay taking any steps till we had met. Ranajee largely expatiated on the devotion which he had always evinced in the Government service, and which, having been so frequently acknowledged by the marks of the approbation

tion of Government, had made him the envy of the neighbouring countries. It would, however, be needless to state all the particulars that passed between us; but they urged that the arms of the Kolees were the property of the chiefs in most instances, and they expected that they might be allowed to retain them in future in their own possession. I answered, that I could only permit them to have those belonging to their personal retainers. Ranjee seemed very much dispirited, and wished to go home, he said, to prevent opposition to the Government orders; but on my informing him that you wished very much to meet him, he consented to await your arrival here.

6. I did not stay proceedings on receiving the petition from the chiefs of Kuttosun, and the registration of the arms in a few villages in that zilla has been carried out.

7. In the Bavisee zilla most of the arms are registered, and several villages have been disarmed; but I am afraid that concealment of arms is resorted to very extensively, and which can be better inquired into hereafter when further advancement has been made. I have, however, given notice that the concealment or future purchase of arms will be severely punished.

I have, &c.
(signed) *C. R. Whitelock*,
Political Agent in the Mahee Kanta.

No. 199 of 1858.—Political Department.

From Major *Whitelock*, Political Agent in the Mahee Kanta, to *H. L. Anderson*, Esq., Secretary to Government, Bombay.

Sir, Sadra, 13 April 1858.

I HAVE the honour to submit copies of my letter, No. 198, bearing this date, to the address of the Political Commissioner in Guzerat, and of its enclosure from the karkoon in charge of the Saber Kanta District.

2. In my opinion the measure of disarming is progressing most favourably; and if no disturbance takes place within the next 10 days, a large portion of the country will have submitted to the act of registration, which is now looked upon as the first step towards disarming, and will soon be dispensed with as a separate work.

3. Too much praise cannot, I conceive, be given to the "muttadars" of the Bavisee zilla for the excellent example set by them.

4. The Saber Kanta karkoon has stated that some of the chiefs suspected that treachery was intended by inviting them to Sadra, but I do not believe, whatever else they may imagine, there is one talookdar who credits such a report, and the assertion is probably used as a pretext for delay.

I have, &c.
(signed) *C. R. Whitelock*,
Political Agent.

No. 198 of 1858.

From Major *Whitelock*, Political Agent in the Mahee Kanta, to Brigadier General Sir *R. Shakespear*, Knt., Political Commissioner, Guzerat.

Sir, Sadra, 13 April 1858.

WITH reference to para. 4 of my letter, No. 191, dated 9th instant, I have now the honour to forward for your information the translated substance of a report, dated 9th instant, from the karkoon in charge of the Sabur Kanta District.

2. The chief of Ellole evidently considers that the dignity and position of the clan, of which he is the head, would be compromised by the inhabitants of the Sabur-Kanta being deprived of their arms before those of the neighbouring states have been surrendered.

3. The course pursued by the chiefs of the Sabur Kanta is precisely what might have been expected; and had you not been able to place troops at my disposal, disarming either the Sabur Kanta or the Kuttosun zilla would have been wholly impracticable; but, as the case now stands, the measure will, I anticipate, be in full operation without any disturbance, in the course of a few more days.

4. The chief of Ellok is a shrewd, intelligent, and plain-spoken person (greatly esteemed by the rajpoots as well as the koolies), and I have every expectation that the letter which I have addressed him, appealing to his loyalty and good sense and friendship, will have the desired

desired effect; for his show of resistance will probably be sufficient to incline those who look to him for advice and support to the belief that he has done all that he could do under the circumstances to save them from the impending degradation of depriving their dependants of their arms.

5. I have already stored at Sadra the arms from 10 villages, and others are in transit; and the register returns of arms from 108 villages have reached me, and which latter number probably represents not more than one-half of the work that has been performed under my direct agency. This day I disarm the first rajpoot village, viz., that of Wasna.

I have, &c.
(signed) *C. R. Whitelock,*
Political Agent.

TRANSLATED Substance of a Report from Himmut Ram Kooberjee, Karkoon of the Sabur Kanta, to the Political Agent, Mahee Kanta.

ACCORDING to the orders which I received from you to register the arms of this district, I summoned the talookdars and acquainted them with your directions, as reported on the 5th instant, and I now beg further to report the circumstances which I have learnt from them.

When I first called the talookdars they presented themselves, and having agreed to appear before you, they left me; but since, having probably imbibed some distrust, they have not made any preparation to go; so I again sent some sowars to summon them, on which the following three thakoors came to me at Dedrota, viz., the talookdars of Deyrole, Kherawara, and Ellole, and the kamdars of Deydrota, Happa, and Tajpooree. I enjoined them accordingly, and they replied that they would give me an answer in a few days. I also had called the talookdars of Wuctapoor and Kerowlie, but as they did not come, I, for the fourth time, sent for them, and told those who had attended to come to Ellole. The next morning I found that the thakoors of Kherawara and Deyrole had gone off; I therefore sent an express sowar to bring them back, and I will report to you when all are assembled together.

I further gave advice to the thakoor of Ellole concerning the registration of his arms, and he agrees to abide by the customs of the country, provided all the talookdars were of the same mind; but if they registered their arms before this, it would involve a loss of character; they would register their weapons if the Gaekwar's and the Raja of Edur also registered theirs, but not beforehand. If the Government proceed to coercive measures, it would induce many people to rebel, and occupy much time. The Government is, however, the judge, and may take our villages and jagheers if it please; we will not refuse our consent; but it would cause us much grief to have our arms registered, for the mark of a thakoor is his weapons, and he is known by the wearing of them; therefore, if after registering our weapons they should be taken away, it will certainly cause a rebellion in the country. In this manner we conversed; and it appears from this that the talookdars will not be pleased to register their weapons; but no doubt when they hear for certain that the weapons of the Raja of Edur and his Highness the Gaekwar have been registered, they will also register their own.

I would further beg to represent that the talookdars appear to have been frightened by some of the bad-disposed amongst them from presenting themselves before General Sir R. Shakespear according to his direct invitation, lest it should be intended to seize them; they would then be helpless. It is not allowed to carry arms there (in the Company's territory), and how is it possible for them to go without arms? This thought prevented them from appearing, after having agreed to go before the huzoor. I however blamed their want of confidence, and assured them that they and their karbarees erred in distrusting the Government, and recommended them to obey its orders; thus the date (fixed for my return) passed without my being able to return. I enjoined those who appeared to wish to go, to do so without delay; and in the meantime it appears to me that the kamdar of Ellole, Panachund Dhewjee, and Mooktee Patell Momem Jullall Umsree, have left to appear before you; and that Ranajee, of Kuttosun, and Thakoor Moolajee, of Aghlode, are also with you. The above wrote an express to them, to the effect that they four (4) were to petition you to delay the business (of registering of arms), and to forward to them your answer. In awaiting the reply to this, much delay was caused.

There is no doubt but that the above as related is the fact, and that Ranajee and others will petition to you in behalf of the above talookdars, they being his relatives; and great care should be taken to impress on Ranajee and others the necessity of registering the arms without disturbance, which be kind enough to acquaint me of when done. If an agreement be made with the before-mentioned Ranajee, the business can be (easily) done.

(True substance.)

(signed) *J. C. Law,*
9 April 1858. Acting Assistant Political Agent.

No. 212 of 1858.

From Major *Whitelock*, Political Agent, Mahee Kanta, to Brigadier General Sir *R. Shakespear*, Knt., Political Commissioner of Guzerat.

Sir, Sadra, 23 April 1858.

I HAVE the honour to inform you that I have just received a letter from Sooruj Mull, thakoor of Mondetta, dated 20th instant, informing me of his having sent his principal karbaree, Wujgeram (a brahmin), to arrange with me about his affairs, and declaring that he has committed no offence, and does not intend doing anything that will bring ruin upon his durbar; and concludes his letter by asking what need there can be for bringing the sirkar's troops into the country to attack him, a defenceless person.

2. My first object will be to persuade the thakoor to return to his home, and thence join my assistant, Lieutenant Law, at Edur, through whom I shall be able, I hope, to put things in proper training until I can reach that place; but if I succeed in inducing Sooruj Mull to take the steps of returning to Mondetta, I shall be quite free from all anxiety afterwards about his going back to the hills.

I have, &c.
(signed) *C. R. Whitelock,*
Political Agent, Mahee Kanta.

No. 388 of 1858.—Political Department.

From Brigadier General Sir *R. Shakespear*, Political Commissioner, Guzerat, to *H. L. Anderson*, Esq., Secretary to the Government of Bombay.

Sir, Sadra, 19 April 1858.

BEING about to quit Sadra this evening, I consider it my duty to report the state of matters here up to this date.

2. You are aware that for a considerable time there was serious doubt whether the chiefs of the Mahee Kanta would not show their aversion to the measure of disarming, by refusing under various pretexts to meet me at this place.

3. I am happy to say that all doubt on that point has been removed. I enclose a list prepared by Major Whitelock, Political Agent, showing in detail the chiefs who have attended and those who have remained away; the principal among the latter have valid excuses, and as far as the test of attendance upon me is in question, I think that the result of my visit has been very satisfactory.

4. I also consider it a great point gained, that the mass of the chiefs of Mahee Kanta should have been brought into Sadra to discuss personally all the details of the measure.

5. I am also of opinion that, had I not visited Sadra, the attendance of the chiefs would have been delayed considerably on various pretences.

6. It is obvious, too, that Major Whitelock's hands have been strengthened by the chiefs hearing from the officer holding my position, that the disarming the country is a measure which the British Government is resolved to carry out.

7. But, beyond this, the success (if, as I believe, there will be success) is entirely due to Major Whitelock.

8. I wish to record that he has already shown both energy, tact, and judgment in dealing with the rude chiefs, upon whom this most unpopular measure has to be forced.

9. He promises me a report in a few days, but in the meantime I beg to say, that very considerable progress has already been made.

10. The

10. The registry of arms has been very extensively carried out, and the arms of 18 villages have already arrived at Sadra, and several villages are being operated on daily.

11. It will be noticed, that the Raja of Edur has attended, and there is no doubt but that he will give every assistance in carrying out the measure.

12. Some of his putavuts are strongly opposed to it, and indeed the measure is most distasteful to all; but the fear of combination, which I at one time entertained, has vanished, and though there will be every description of passive opposition, still I confidently hope that there will be no open opposition.

13. The thakoor of Mondetta has quitted his village, and has levied certain contributions from his own people, contrary to the positive order of the Political Agent, but his proceedings have no concern whatever with the disarming question; he is driven to desperation by his hopeless state of indebtedness.

14. The only possible solution of the Mondetta difficulty is, that he should sell a portion of his estate to the Raja of Edur, and should proceed himself to to his daughter's father-in-law, the Rajah of Joudhpoor, leaving his son to enjoy the remainder of the Edur estate.

15. Finding that the question had already been before the Bombay Government, and the Honourable Court of Directors, I sent the following telegram on the 16th instant to the Right honourable the Governor of Bombay:—

Telegram, No. 376.—Sadra, 16 April 1858.

From Sadra to Bombay.

From Sir R. Shakespear to Governor.

"If Mondetta sells three villages to Edur, and Edur agrees to let Mondetta go to Joudpoor, and his son to remain to enjoy the reduced estate under Edur, perhaps the Mondetta difficulty may be overcome.

"Major Whitelock and I both advise the measure; may negotiations be opened on the above basis? Mr. Anderson's letter of 17th May 1856, is on this subject."

On the 18th instant I received the following reply:—"Make the best arrangements you can as to Mondetta."

16. In consultation with Major Whitelock we have decided as follows:—

Lieutenant Law, Officiating Assistant Political Agent, will proceed to-morrow to Edur, and offer the thakoor of Mondetta a safe conduct both to and fro, if he visits Major Whitelock. If the thakoor comes in to Lieutenant Law, Major Whitelock will himself proceed to Edur, and endeavour to conclude an arrangement with the thakoor of Mondetta, on the basis of my telegram above quoted.

17. Kevulram, the Raja's chief karbaree, says, that the Rajah is willing to purchase the three villages, and that he thinks he won't eventually object to the thakoor's proceeding to Joudhpoor; but I am sorry to say, he expresses great doubt of the Maharaja of Joudhpoor's desire to receive Mondetta. I incline to think that Maharaja Tukt Sing, of Joudhpoor will gladly receive the thakoor of Mondetta. It will cost him money, and though penurious on many points and very avaricious, still he is capable of making great sacrifices to gratify his passions, and perhaps the strongest of them is his hatred of the Edur branch of his own family.

18. The troops, as per margin,* marched this day to Purantej, and will be at Ahmednuggur on the 21st; their presence will, I trust, act as a check both on Mondetta and all who may be disposed to oppose the disarming.

19. I hope to be at Ahmedabad to-morrow morning early, and it is my intention to move the force, in the margin,† to Kullole, 16 miles from Ahmedabad, on the Deera road. There is fine shade there for the men, and a bungalow for the officers close to the encamping ground.

* Hatch's Battery (European), 6 guns; Mountain Train (Natives), 7 guns; 150 rank and file Her Majesty's 89th Regiment; 500 2d Grenadiers, Native Infantry; 100 Guzerat Irregular Horse.

† Canybear's Battery, 4 guns; head-quarters, 150 men 89th Regiment; 50 R. and N. 2d Grenadiers; 100 Guzerat Irregular Horse.

20. It is very improbable that either of these forces should be actually engaged, but I have told Major Whitelock that if he sees the slightest chance of anything approaching to serious opposition to call for the detachment from Kullole.

To-morrow I hope to receive your reply; telegram to my letter, No. 369, of date 14th instant, sent by express.

I have, &c.
(signed) *R. Shakespear,*
Political Commissioner, Guzerat.

LIST of the Chiefs of the Mahee Kanta who have attended at Sadra to wait upon the Political Commissioner of Guzerat.

NAMES.		REMARKS.	
The Rajah of Edur.			
Sirdar Puttavuts:			
The Chief of Soor		The first Marwurree chief to obey the summons.	
The Thakoor of Oondnee.			
The Thakoor of Mehdasun.			
The Thakoor of Mellale.			
The Thakoor of Jenwa.			
The Thakoor of Veerpoor.			
Bhomea Rajpoots:			
The Thakoor of Mania.			
The Thakoor of Puttapoor.			
The Thakoor of Wurrara.			
The Thakoor of Mohunpoor.			
The Thakoor of Runassun.			
The Thakoor of Doodalie.			
The Thakoor of Boroodra.			
Bhomea Kolies:			
The Thakoor of Kuttosun		Head of the Kolies in the Kuttosun.	
The Thakoor of Ellole		Head of the Kolies in the Sambar Kanta Zilla.	
The Thakoor of Amleeara		Head of the Kolies in the Watruck Kanta Zilla.	
Meeah of Khural.			
Meeah of Dubba.			
Thakoor of Satoomba.			
Thakoor of Delolee.			
Thakoor of Mujoona		Kuttosun Zilla.	
Thakoor of Wisroda			
Thakoor of Mehmudpoor			
Thakoor of Paluj			
Thakoor of Tejpoora			
Thakoor of Wasna			
Absentees:			
Rajpoots:			
Rao of Pole		Too far to accept the second invitation, so it was not forwarded to him.	
Rana of Danta		Excused on account of the unsettled state of his country.	
Rawul of Malpoor		On account of a marriage.	
Chief of Dawar		Prevented by domestic affliction.	
Thakoor of Soodasunna.			
Thakoor of Krokora	Edur Sirdar Putavuts.	Domestic affection	Not included in the second invitation on account of the distance.
Thakoor of Chandnonee		No answer	
Thakoor of Mondetta		In Bahirwuttra	
Thakoor of Mhow		Promised to come	
Thakoor of Tintooi		No answer to first invitation	
Thakoor of Chanteole		No answer to first invitation	
Thakoor of Wullosna		No answer to first invitation	
Thakoor of Paull		No answer to first invitation	
Thakoor of Leenawara		This chief wrote for and obtained a pass.	
Thakoor of Moree.			
Thakoor of Poseena.			

Kolies.

Kolies:

Thakoor of Soonadra - - - - -	Absent from his talooka.
Thakoor of Gobut - - - - -	No answer to either invitation.
The Chiefs of Dhudwara - - - -	Not included in second invitation.
The Chiefs of Dewnee Moree - - -	
The Chiefs of Dehgamura - - - -	
The Chiefs of Lameyra - - - -	
The Chiefs of Leekhee - - - -	
The Chiefs of Happa - - - -	Twice written to, but no answers.
The Chiefs of Wucktapoor - - -	
The Chiefs of Rajpooree - - - -	
The Chiefs of Kherawara - - - -	
The Chiefs of Dedrota - - - -	

(signed) *C. N. Whitelock*, Political Agent.

Sadra, 19 April 1858.

No. 410 of 1858.

From Brigadier General Sir *R. Shakespear*, Political Commissioner in Guzerat, to *H. L. Anderson*, Esq., Secretary to Government, Bombay.

Sir, Ahmedabad, 24 April 1858.

I HAVE the honour to acknowledge the receipt of your letter, No. 1,492, of date 20th instant, and to forward copy of the letter, No. 409 of this date, which I have addressed to the Acting Agent Governor General for Rajpootana, detailing the progress of the disarming.

I have, &c.
(signed) *R. Shakespear*,
Political Commissioner in Guzerat.

No. 409 of 1858.

From Brigadier General Sir *R. Shakespear*, Knt., Political Commissioner, Guzerat, to Brigadier General *G. St. P. Lawrence*, Agent Governor General, Rajpootana.

Sir, Ahmedabad, 24 April 1858.

IN obedience to orders from the Bombay Government, I proceed to inform you of the progress made in the disarming of the province of Guzerat; all south of Ahmedabad, and all the Rewa Kaunta, has been disarmed without a single affray.

2. The Gaekwar has carried out the measure most willingly in his Highness' own territories.

3. We are now operating in the Mahee Kaunta, the Ahmedabad district, and the Gaekwar's northern possessions.

4. In this neighbourhood the disarming will be carried out as completely as in our power, but false registry and secretion of arms will doubtless render it impossible for us to get all the arms; but the desire is to have only the arms noted in the margin in each village. As we approach Deesa, the scale of arms left with the people will be very much larger, but registry is insisted on.

For headmen, 10 swords, 3 guns, 5 daggers; for watchmen, 20 swords, 20 bows.

5. All the districts under the Political Superintendent, Pahlunpoor, will be left untouched this season, and they skirt all the southern border of Rajpootana.

6. In the Mahee Kaunta, the Raja of Edur, and the larger chiefs, have a large number of arms allowed them; and no rajpoot is deprived of his sword.

7. I never contemplated extending the measure to Rajpootana; it would be quite beyond the means of the British Government (even before the mutinies) to carry out such a measure. My plans have always been made with reference to Rajpootana remaining armed.

8. The system of passes should, I think, be most rigidly enforced in Guzerat, and might, I think, be very advantageously introduced in Rajpootana, the States and the British Government having one organised system; but, beyond this, I should view with much anxiety any attempt to moot the disarming in Rajpootana; but you are infinitely better informed than I am on that point.

I have, &c.
(signed) *R. Shakespear*, Brigadier General,
Political Commissioner, Guzerat.

No. 418 of 1858.

From Brigadier General Sir *R. Shakespear*, Political Commissioner in Guzerat, to *H. L. Anderson*, Esq., Secretary to Government, Bombay.

Sir, 26 April 1858.

I HAVE the honour to forward copy of Major Whitelock's letter, No. 216, of date 25th instant, giving an unfavourable account of the state of matters in the Mahee Kanta.

2. I take a more cheerful view of them, because I know, as an established fact, that the advance of the field force to Kullole has, in only two days, induced no less than 76 villages of the Gaekwar's to surrender their arms; and I believe I have later news than Major Whitelock regarding the two detached portions of his jurisdiction, Maunsa and Kotosun.

3. To better elucidate Major Whitelock's letter, I enclose a skeleton sketch, and I beg attention to it, while submitting copy of my reply to Major Whitelock, No. 415. It will be seen, that although I think the present difficulties will vanish, still I have endeavoured to take every precaution to overcome them, should they prove to be more serious than I anticipate.

4. If my view of the case proves correct, I shall still be able to have Major Hatch's four guns and company of 14th Regiment Native Infantry at Kaira, before 10th proximo.

5. To catch the eye, I have entered the places likely to give trouble, in yellow ink, on the sketch.*

I have, &c.
(signed) *R. Shakespear.*

* Printed in Capital Letters.

No. 216 of 1858.

From Major *Whitelock*, Political Agent, Mahee Kanta, to Sir *Richmond Shakespear*, Knt., Political Commissioner, Guzerat.

Sir, Sadra, 25 April 1858.

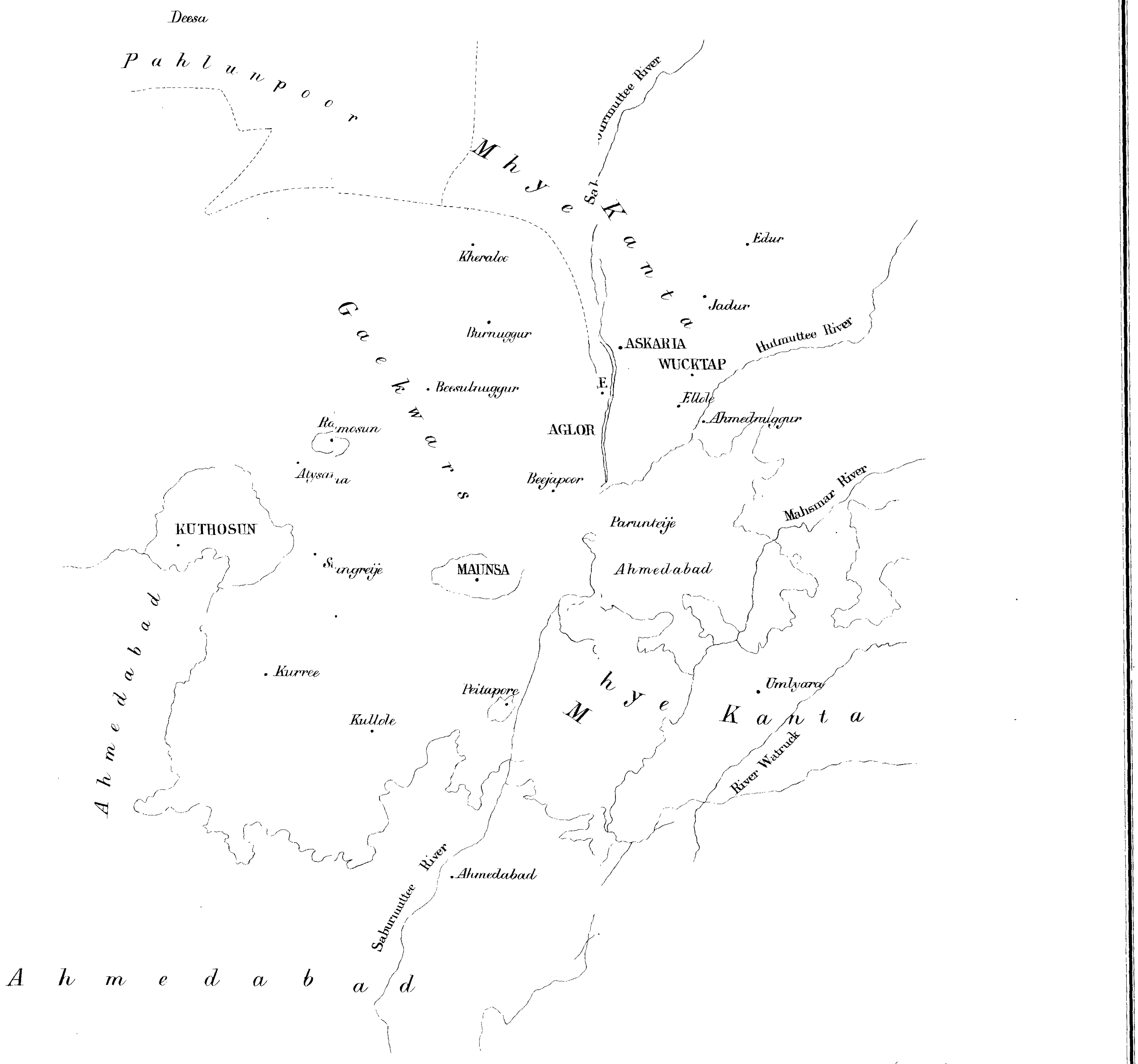
I HAVE the honour to report, for your information, the progress that has been made towards disarming the Mahee Kanta.

2. The accounts received last evening from Mansa and Kuttasun, and this morning from the Sabur Kanta and Edur, are not quite so favourable as I could wish, and evidently show an inclination, even where there is no chance of open opposition being resorted to, either on the part of the chiefs or their dependents, to cause delay, in the hope, probably, that something may occur to remove the present pressure until the season of active military operations in this province has closed, when the popular feeling of the country could be displayed at less risk, with the view of deterring us from carrying out that measure.

3. The thakoor of Mansa left this on the 21st instant, and promised to remove the objections raised by his bhayad to having their arms registered, by setting them an example in the registration of his own; but being a very weak-minded person, he has since been won over by his relations to throw obstacles in the way of disarming. Finding, however, that the attachment carkoon did not show sufficient firmness and energy in carrying out my orders, I had despatched on the 23d one of my more experienced carkoons (Murutlal Golabchund) there, to push on the registering as fast as possible; and on learning last evening that the thakoor and his bhyad had refused immediate compliance, on the plea that they would consider over the matter, I ordered a notice to be published throughout the town of Mansa to the effect, that any one omitting to register his arms within 24 hours after its publication, would be punished; and I directed Murutlal to tell the thakoor and his bhayad, that if they did not instantly obey that order, I would not allow a single person refusing implicit obedience to retain afterwards any arms, either of defence or destruction. This course I am bound to pursue now, for delay would be most inconvenient, and the combination that appears to be forming must be broken speedily and effectually.

4. I was very much surprised at receiving, last evening, a letter from Ranajee, thakoor of Kuttosun (after his assurances of rendering me all the assistance in his power) requesting me to delay the order for taking away the arms belonging to the inhabitants of the Kuttoosun districts until after his return from the marriage of a distant relation, which was to take place in a few days in the Veerumgaum purgunna, and begging me to give him a purwanna for himself and 50 followers. This appeared to me to be nothing more than a pretext for obtaining delay, and I wrote expressing my astonishment, after what had passed between

(To face Page 78.)


Deesa
Pahlunpoor
Mhye Kanta
Sab... urmuttee River
Edur
Kheraloo
Jadur
Gaekwars
Burnuggur
ASKARIA
WUCKTAP
Hutmuttee River
Beesulnuggur
E.
Ellole
Ahmednuggur
Ramosun
AGLOR
Atysa...a
Beejapoor
Parunteije
Mahsmar River
KUTHOSUN
Ahmedabad
Sungreije
MAUNSA
Ahmedabad
Kurree
Umlyara
Peitapore
Mhye Kanta
Kullole
River Watruck
Saburmuttee River
Ahmedabad
Ahmedabad

(Signed) R. Shakespear
Pol^l. Commissioner.

COPIED
D. William Dorabjez.
COMPD
W. Cannors

Scale. 10 Miles to 1 Inch

Standidge & Co. Litho 36, Old Jewry E.C.

N° 402. Ordered, by The House of Commons to be Printed, 22 June, 1860.

Henry Hansard Printer.

between us, that he should suppose that I would permit the Government orders to be so trifled with, and urged him with great earnestness to act up to his professions of friendship and loyalty.

5. The Sabur Kanta chiefs are exceedingly obstinate, and if my orders to the Ellole chief, and to the carkoon in charge of that zilla, are not immediately attended to, I propose, after issuing a notice similar to the one published by this time at Mansa, surrounding, with a portion of Major Grimes' force, the village of Wucktapoor, which is situated between Ahmednuggur and Jadur, and the most Mehwasee of all those in the Sabur Kanta, and then placing the chief of it, and his nearest male relations, in confinement at Sadra, pending the orders of Government.

6. Adjoining the Sabur Kanta zilla is the notoriously Mehwasee village of Aglore, in the Beegapore purgunnah, and it would be very desirable that the Gaekwar authorities should push on the disarming in that quarter simultaneously with my measures for covering the Sabur Kanta, as we should afford mutual support to each other, and prevent, to a great extent, the inhabitants of one district taking refuge in the other, if they should make any attempt at resistance. The chiefs of Aglore and Pariah, and those of the Sabur Kanta, are very closely connected, and would, there is little doubt, assist each other, in the event of their being attacked with much loss of life by ours or the Gaekwar's troops.

7. The Sabur Kanta carkoon reports, that the koolies of that district are prepared to leave their homes rather than submit to the registration of their arms; but I am inclined to think that when the chiefs have seen by my proceedings towards Wucktapoor, that we are quite determined to carry out the measure, with force if necessary, they will then yield without further opposition.

8. The Kullole force, when moved to its intended encampment at Langreje (or Meysana would be still better), would be admirably placed in support of the Gaekwar's troops serving in the Beejapore purgunna. The distance from Langreje to Beejapore is 15 koss, or 22 ½ miles; from Beejapore to Aglore, 4 ½ miles; and from Jadur to Aglore, 13 ½ miles.

9. I have received information from Edur, upon which I rely, that the inhabitants of the Edur village of Asharia, which lies between Ellole and Eklara, on the left bank of the Saburmuttee, and is distant only five miles above Aglore, have not only refused to register their arms, but have defied that durbar; and I therefore propose moving some of the Raja's troops, with a detachment of the contingent, to force them into submission, as soon as the other preparations are matured, if you should approve of my plan of operations.

10. Time is, I conceive, an object of the utmost importance to us, owing to the lateness of the season and the enormous amount of work to be performed; but although the act of registration must be expedited at all hazards, I am sanguine that much more will be yet done without any sacrifice of life.

11. The chief of Mansa will not, I confidently expect, offer further opposition, or, if he does, the Kullole force might move upon that town on its way to Langrage.

12. I have sent two carkoons from the Hoozoor establishment, with two assistants each, to commence registering arms at Mohunpoor and Renassum. The chief of the latter place promised cordial assistance, but the Mohunpoor thakoor was very unwilling, and I had to tell him what he might expect if he offered resistance of any sort.

13. The Watruck Kanta affairs are progressing very favourably, and the Amlyara chief left yesterday in high good humour.

14. I have received the arms from 53 villages, and the register returns from 204 villages; but the above numbers do not include any of the villages in the Edur talooka, nor any of those belonging to the Sirdar Puttavuts.

15. I shall, I beg to add, be ready to act against the Sabur Kanta, if compelled to do so, by the 1st proximo, or even two days earlier, if the Gaekwar authorities could mature their plans by that time, and Mansa quietly submits.

16. The proposition conveyed in my letter, No. 210, dated 22d instant, to your address, will probably not be affected by the present slightly altered aspect of affairs, as the disarming of the Sabur Kanta will have, I anticipate, been compelled within 12 days from this date.

I have, &c.
(signed) *C. Whitelock.*

No. 415 of 1858.

From Brigadier General Sir *R. Shakespear*, Knt., Political Commissioner, Guzerat, to Major *Whitelock*, Political Agent, Maheekanta, Sadra.

Sir, Ahmedabad, 26 April 1858.

I HAVE the honour to acknowledge the receipt of your letter, No. 216, of 25th instant. The intelligence conveyed is not cheering.

2. But with reference to Maunsa and Kotusun, as your intelligence only reached me on the evening of the 25th, I conclude that it refers to the state of feeling at those two places before

before the arrival of the field force at Kullole (on the morning of the 24th) had become known, and I have great hopes that, as far as those two places are concerned, the next news that reaches you will be much more satisfactory; still, I consider it advisable to reinforce the force at Kullole, both in regular and irregular infantry.

4 Guns (six-pounders Golundauze).
200 European Infantry.
140 Native Infantry Regulars.
200 Native Infantry Irregulars.
90 Guzerat Irregular Horse.

3. That force will be on the morning of the 28th, as per margin, and it is my intention on the following day (29th) to move it to Sangreje.

4. To save time, I would suggest that you send instructions to your subordinates, both at Maunsa and Kotusun, ordering them to report to me direct.

5. With reference to para. 5 of your letter and the Saubur Kaunta chiefs, if Wucktapore, or any other place, is surrounded, or wherever compulsion is necessary, the whole of Major Grimes' force ought to be employed, and not a portion.

6. The present aspect of affairs in the Mahee Kanta does not warrant my removing four of Captain Hatch's guns towards Kaira; they should move to Purantej only for the present, and if Kotusun and Maunsa are to be coerced, they should reinforce the Kullole field force; and the company of 14th Native Infantry should escort them. You would then have two efficient forces, one on either bank of the Sauber Muttee, and admirably placed (Langreje, and near Ahmednuggur) for acting against all the villages, both in the Gaekwar's and your own jurisdiction, which are likely to give trouble.

1st. Bejapore.
2d. Bessanuggur.
3d. Baonuggur.
4th. Keyrallo.

7. I sent you two days back a durbar agent, who has the direction of the disarming operation in the Gaekwar's four districts noted in the margin. All these districts lie along your western frontier, and the disarming of them should, as you observe, be carried on simultaneously with your own operations.

8. The durbar agent has a small force of his own, with one gun attached to it, but he is quite unequal to undertake offensive operations, unless supported by our troops. It would be most impolitic for him to attempt anything of the sort.

9. The mode in which I propose to handle our present difficulties is as follows:

1st. I would reinforce the Kullole detachment at once by Hatch's four guns, and a company of the 14th Native Infantry, sending them *viâ* Purantej.

2d. The Kullole detachment, thus reinforced, to halt from 29th instant at Langreje. If there is a fortified place either at Maunsa or Kotusun, I must send out two siege guns from this, and in that event, we must contemplate a very tedious operation.

1st. Kullole	-	27 villages.
2d. Kurree	-	21 ditto.
3d. Santuj	-	15 ditto.
4th. Miscellaneous	-	13 ditto.
Total	-	76 ditto.

But I trust that both Kotosun and Maunsa will at once have yielded; for I have positive information that the four (4) Gaekwar tuppahs near them, as per margin, have given up their arms to the durbar officers, and this satisfactory result has already been obtained in two days from the appearance of field force at Kullole.

3d. Maunsa and Kutosun disposed of, the Kullole force should move to Bijapore, and the durbar agent should then, and not before, begin disarming in the Gaekwar's district on the Sabur Muttee.

10. Directly the Kullole column reaches Bijapore, I would place it under Major Grimes, and the two forces could then move along the banks of the Sabur Muttee as you might desire.

11. One thing I would beg most strongly to impress on you: if we are compelled to use the troops, let us do so in the first place against notorious robber villages.

12. If we attack such villages as Angrole and Andera, belonging to the durbar, or Wucktapoor, in your jurisdiction, we shall have the sympathies of all the people of the country with us.

13. If we attack either Kutosun or Maunsa we shall incur very general odium; I earnestly hope that the last two mentioned places, and Edur, can be managed without having recourse to actual warfare.

14. Success against them would be a misfortune, if obtained by actual fighting.

15. You have done so much already, that I confidently hope you will be able to prevent our being driven to extremities against any village in your jurisdiction.

I have, &c.
(signed) *R. Shakespear.*

No. 1757 of 1858.—Secret Department.

From *H. L. Anderson*, Esq., Secretary to Government, Bombay, to *G. B. Seton Karr*, Esq., Magistrate of Belgaum, and Political Agent, Southern Muratha Country, dated 8 May 1858.

Sir,

I AM directed to acknowledge the receipt of your letter, dated the 29th April last, No. 133, reporting the measures adopted for disarming the population of the Southern Muratha Country, and to state, by desire of the Right honourable the Governor in Council, that the promptitude and tact with which you took advantage of the impression produced by the execution of Mahomed Hossein, in August last, to disarm the towns of Belgaum and Shapoor, and of the passage of European troops to disarm Kittoor, entitle you to the thanks of Government.

2. The Right honourable the Governor in Council further desires me to state that the manner in which the remainder of the collectorate was disarmed, with but slight opposition, is highly creditable to you.

3. The number of arms restored to the villagers, 23,000, appears very large. The Right honourable the Governor in Council requests that you will submit a fuller explanation on this point, showing what number of arms, both swords and firearms, have been assigned to the patels, village police, &c., and what number of each sort were retained.

4. The Right honourable the Governor in Council would draw your particular attention to the cases of concealed arms. The penalties inflicted on those who have been convicted of concealment have been light. His Lordship in Council wishes to know what rewards have been given to informers, and what other means have been taken to ensure detection in such cases.

5. The Right honourable the Governor in Council is of opinion that the penalty should not be exceedingly light, in cases of concealed arms, and that the fine so inflicted should be given wholly or in part to the informer.

6. In conclusion, the Right honourable the Governor in Council desires me to request that you will not relax your efforts for the complete disarming of the Government and the Jagheer districts.

I have, &c.
(signed) *H. L. Anderson*,
Secretary to Government.

No. 444 of 1858.

From Brigadier General Sir *R. Shakespear*, Knight, Political Commissioner, Guzerat, to *H. L. Anderson*, Esq., Secretary to the Government of Bombay.

Sir, Ahmedabad, 30 April 1858.

I HAVE the honour to forward copies of the demi-official notes, noted in the margin.*

*1. From Mr Hadow to Major Whitelock of date 29th instant.
2. From Major Whitelock to me of 29th instant.
3. My reply of to-day's date.

2. These letters all refer to the operations now pending against the robber-haunt, Oonoria.

3. Mr. Hadow rode to the village from Puranteje, he therefore entered the ravines from the river, but a glance at the sketch sent to you with my letter, No. 416, of date 26th instant, will show that a force advancing from Langreje, *viâ* Maunsa, will act from the side of the mainland. I understand that Oonaria is not in a hollow in the ravines, but on an elevation, and if so, it must be at the mercy of Major Grimes' guns. I hope the cautious advance on either side of the river will convince the villagers that opposition is hopeless, and that they will agree to remove their own property to the new site.

4. Should we succeed in compelling Oonaria to do this, I think we shall find matters go on much more smoothly in Mahee Kanta.

5. So far back as when the late Colonel Malcolm was Resident at Baroda, it was found necessary to post a thannah of the Gaekwar's in Oonaria, to check

the proceedings of its turbulent people. I have not yet heard that this thannah has been removed.

6. A memorandum from Captain Heycock's force at Langreje, dated yesterday, reports that, with the exception of nine villages, the whole of the Gaekwar's kurree district has been disarmed, and that they would be finished by this evening. The country is reported perfectly quiet.

I have, &c.
(signed) *R. Shakespear,*
Brigadier General, Political Commissioner, Guzerat.

Enclosure No. 1.

My dear Major Whitelock, Purantije 29th.

I RODE to Waghpor yesterday afternoon, and examined the approaches from that side to the first *was* (Waghajee's *was*); there is a ford there, and a road leading up one of the ravines; there were from 50 to 100 koolies under their bhalldars or head men watching this approach; they were all armed with swords.

I found the road completely closed up by trees and branches thrown down for some distance; it could be turned by making a narrow path at the side, and I rode up this a short distance, but was obliged to dismount and have the horse taken round; I hear this morning that in the course of the night they have broken up this path. There is another ford and road leading up to the principal one lower down, opposite to our village of Ghadelia; this is open all the way up, but not passable for carts or guns; in some parts even on our side the river, the only ford and road passable for carts is between Shapud on our side, and Shumkpoor on the opposite side. This is near or at the junction of the Haut Mutee and Sabur Troops from this would therefore have to cross both rivers; it is a long way round to get at Oonaria, and some four or five villages will have to be passed, some of which may be as bad as Oonaria; but anything I should think would be better than getting the men entangled in the ravines by attempting to get up the was from the river side.

Provided the lanes and outlets into the bed of the Sabur and along the west bank could be well watched to prevent their escaping up or crossing the river, I should think the plan would be to attack the different was from the plain on the west side. Infantry might be placed along the bed of the river, the men to have Enfield rifles, and a few of the horse to watch the outlet above and below Waghpoor, and from the high banks of Waghpoor mortars might be found useful. The men looked rather *yaghee*, but perhaps as much frightened at what they had done when they saw I was determined to see all I could of them; I am inclined to think from what I have heard that there is some influential person or persons inciting them to hold out, and I am afraid these other villages of the same kind higher up incline to follow suit. If I can get any further information I will write you again.

Believe me, &c.
(signed) *J. W. Hadow.*

Enclosure No. 2.

My dear Sir Richmond, Sadra, 29 April 1858.

THE native chiefs of these parts beat all calculations and everything else. I wrote you some days ago that Mohunpoor and Renasun were registering the arms of their villages, and although I have received the register returns from 13 villages in the Mohunpoor Talooka, yet the thakoor, and the whole of the inhabitants of the village of Mohunpoor, refuse to register unless the Marwaree rajpoots set the example. I have written to the raja to show what he and his puttawuts have done, and I have told him of Mr. Hadow's and my progress.

Again, the returns of nearly all the Kuttosun villages have been received, and the arms from five of these villages arrived at Sadra almost simultaneously with a report that the koolies of Mugoona have deserted their villages, no doubt at the instigation of the chief.

I think that Mohunpoor had better be left alone for the present, as he makes no difficulty to our disarming his kooly villages, and that measures should be advanced towards Ellole and Aglore, where the great difficulty now lies, and I propose moving Captain Heycock's column to Beejapoor on the day following the destruction of Oonaria, where I believe it will be assembled by Major Grimes. Mr. Hadow writes me that the villagers are prepared for a stand, and he learns that they will muster between 500 and 1,000. The approaches to villages were guarded and stockaded with trees and bushwood; he saw at one pass 50 to 100 koolies armed with swords, but I cannot do better than send you his note to read.

As soon as the 48 hours are up I shall then, if you approve, move Grimes on to Yadur, where I shall proceed and meet my friend of Ellole, and see if I cannot overcome his obstinacy. I think it probable that I shall find it necessary to send Mr. Law to join Mr. Heycock's camp, but I shall know better when I get to Yadur. It requires a great deal of tact to get on with the Gaekwar officers; they are generally willing to follow under

circumstances

circumstances like these, if there is no domineering over them, in fact, their opinion should always be asked, and themselves treated with great courtesy, and an assistant picked up at a venture might not answer. I am glad to be employed in assisting the Gaekwar officers, and I think under our superintendence the work is likely to get on faster.

The Kamavisdar, as he is styled in these parts, left yesterday to proceed with the disarming in the Beejapoor district; at my request he wrote to the chief of Aglore, who did not choose to send a written reply, but said that he would send an answer three days hence. It is lucky that I have so many troops to back me, or I should be brought to a stand-still. If I can get over Ellole I shall be all right, and I think the scales will be turned against his bhyad, by whom I have not the least doubt he has been bullied since his return, as his word had used to be respected everywhere.

There is evidently an attempt to get up a rising among the koolies, for the koolies at Mansa threatened to beat my carkoons, and refused to give their weapons. Major Grimes has ordered Captain Heycock to march on Saturday morning to Mansa, and the other force also makes a march half way to Oonaria, so that the villagers will have plenty of time to arrange their plans for fighting or flight, and I shall fear the latter will be the course followed. I regret to say that all my inquiries regarding your telegraph tables, &c., have been unsuccessful, which make me suppose that they must have been taken back, and I think this will be found to be the case.

Believe me, &c.
(signed) *C. Whitelock.*

P.S.—I have just discovered your things in the hospital dispensary, where they have been placed under supposition that they belonged to my hospital assistant, who is on sick leave at Ahmedabad.

Many thanks for the English news.

(signed) *C. R. W.*

Enclosure No. 3.

My dear Whitelock, Ahmedabad, 30 April 1858.

Your note of yesterday is just in.

Pray send official instructions to Major Grimes, giving him the purport of Mr. Hadow's note (which I return), and any other information you can obtain, and advising him to use his whole force against Oonaria, as it is most desirable that the people of that village should see that opposition is hopeless, and agree themselves to remove their grain and property from the present site, and locate themselves on the new site. They may be told, if they offer to submit, that on their beginning to remove their property, a longer time than 48 hours will be allowed them to carry it away.

The move on Mansa is very judicious; the approaches from the land side to ravines are always simpler than from the river side. Pray take care that a good supply of pickaxes and roadmaking tools is sent to Major Grimes for each of his column.

From the mainland there must surely be spots commanding the village. I agree with you about Ellole, and Mr. Law joining Heycock's column.

What share is Hatch to take in the attack ?

Don't let any of his guns leave until matters look better.

Yours, &c.
(signed) *R. Shakespear.*

Resolution by the Honourable Board, dated 6 May 1858.

Resolved,—The Political Commissioner's instructions relative to the proposed movement on Oonaria are judicious; and the Right honourable the Governor in Council will await his report of the result of the operations now in contemplation with great interest.

(signed) *Elphinstone.*
A. Malet.
H. W. Reeves.

No. 453 of 1858.

From Brigadier General Sir *R. Shakespear*, Political Commissioner in Guzerat, to *H. L. Anderson*, Esq., Secretary to Government, Bombay.

Sir, Ahmedabad, 1 May 1858.

I have the honour to forward copy of Mr. Hadow's letter, No. 486, of date 29th ultimo, and copy of my reply, No. 452, of to-day.

2. It

2. It will be seen that Mr. Hadow and Major Agar strongly object to disarming the Veerungaum district at all this year, and object to disarming the frontier villages of Puranteje until the adjoining ones of Mahee Kaunta are finished.

3. I have offered to take the whole responsibility, and have used every argument I can think of to persuade Mr. Hadow to come to another decision, because I fear people in the Mahee Kaunta may say, "They are not strong enough to disarm their own villages." They have in several places said, "When so and so is disarmed, then we will disarm;" and this is very much Mr. Hadow's argument.

4. Had it been advanced by Mr. Tucker, we should never have carried the measure even up to the Mahee, for the Gaekwar Durbar told me that until we began they could not.

5. About Veerungaum, Mr. Hadow's objections have very great weight with me. What I have written above refers to Puranteje.

I have, &c.
(signed) *R. Shakespear.*

No. 486 of 1858.

From *J. W. Hadow*, Esq., Magistrate of Ahmedabad, to Brigadier General Sir *R. Shakespear*, Knight, Political Commissioner, Guzerat.

Ahmedabad, Magistrate's Camp, Purantej,
29 April 1858.

Sir,

In forwarding, for your consideration, the accompanying copy of a letter from Major Agar, superintendent of police, I have the honour, in reference to your letter of the 27th instant, to request the favour of your informing me whether it is still your wish that I should extend the disarming of Purantej to the frontier villages, and commence the operations in the Verumgaum district?

I have, &c.
(signed) *J. W. Hadow*, Magistrate.

No. 211 of 1858.

From Major *E. W. Agar*, Superintendent of Police, to *J. W. Hadow*, Esq., Magistrate of Ahmedabad.

Ahmedabad, Magistrate's Camp, Purantej,
28 April 1858.

Sir,

In reply to your letter, No. 471, I have the honour to state that it appears to me quite impossible to disarm the Veerumgaum purgunnah until the Kattiawar authorities are prepared to carry out a similar measure in their districts lying north, west, and south of it, comprising the greater part of Jhalawar, and including talookas of Dusara, Jhenjoorwara Wunnode, Bujjana Luktur, Wudwan and Limree, and the small estates held by the bhyad of the two last.

2. The people of Dusara, Bujjana, and Limree, are our most troublesome neighbours, and it seems to me that it would be highly impolitic to disarm our villages and expose them to inroad from bands of armed men from across the frontier. About two months ago an attack was made upon some merchants who had stopped for the night at the village of Unnealee, in the Veerumgaum purgunnah, by a band of 25 or 30 armed men from Limree, and the Unnealee people gave as their reason for not pursuing the robbers, that they had not arms sufficient to enable them to cope with them in case of overtaking them. Attacks from the side of Limree are also common in the Dholka district.

3. The Veerumgaum purgunnah not only borders on the Kattiawar jurisdiction, but the villages are intermixed in a most confused manner. Several of our villages being completely isolated in the Kattiawar jurisdiction, and *vice versâ*, I have made a sketch map of the boundary, which is herewith forwarded, and a glance at which will, I think, convince Sir Richmond Shakespear of the impossibility of disarming Veerumgaum, unless the measure be extended to Kattiawar. The large town of Mandul would be particularly exposed to be attacked and plundered.

4. With regard to Purantej, it does not appear to me either just or politic to carry out the measure of disarming in the frontier villages until we see that it is being carried out in the Mahee Kanta. There will be no difficulty in carrying it out when the time shall arrive, and in 48 hours all the arms will have been collected, whereas in the foreign districts in

our frontier one or two villages are done at a time, and it takes days, if not weeks, to complete the business. If we commence, therefore, when we see the Mhaye Kanta is two-thirds disarmed, we shall have completed the business first.

5. I would suggest, therefore, that Major Whitelock be requested to keep you informed of what is doing in the Mahee Kanta, to enable you to decide when to commence with the villages in the list forwarded with your letter.

I have, &c.
(signed) *E. W. Agar.*

No. 452 of 1858.

From Brigadier General Sir *R. Shakespear*, Knight, Political Commissioner, Guzerat, to *J. W. Hadow*, Esq., Magistrate of Ahmedabad.

Sir, Ahmedabad, 1 May 1858.

In reply to your letter, No. 486, of date 29th ultimo, I have the honour to state that I am very sorry you and Major Agar cannot with safety disarm Puranteje, and Morassa, and Veerumgaum.

2. I had looked to the example of our own villages not only as an element of strength, but as one of the best arguments to use with our neighbours, to whom I have always urged that having disarmed our own people, we were compelled to extend the measure to protect them.

3. You and Major Agar view it in another light. Major Whitelock does not attach the same importance as I do to the example; and therefore I conclude I shall best consult the interests of Government by yielding the point.

I have, &c.
(signed) *R. Shakespear.*

RESOLUTION by the Honourable Board, dated 13 May 1858.

Resolved,—As the disarming in the Mahee Kaunta is being carried out, the Right honourable the Governor in Council is of opinion that the measure should also be insisted on in the Puranteje villages. The disarming in Veerungaum may be postponed for the present.

With regard to the Puranteje villages, however, the Right honourable the Governor in Council will not absolutely order the disarming if the Political Commissioner should think that the omission to disarm these villages will not prejudice the measure in the Mahee Kanta. The time which will elapse before he receives this resolution, will enable him to form a clear opinion on this point.

(signed) *Elphinstone.*
A. Malet.
H. W. Reeves.

No. 456 of 1858.

From Brigadier General Sir *R. Shakespear*, Political Commissioner in Guzerat, to *H. L. Anderson*, Esq., Secretary to Government, Bombay.

Sir, Ahmedabad, 1 May 1858.

I HAVE the honour to inform you, that shortly after my return from Sadra I found two agents here (I reported it at the time) from the Nawab of Cambay, with a kurreta, merely saying that the two persons named therein had been sent at my desire.

2. I sent the Nawab a reply, saying I had very little time to carry out the orders of Government before the monsoon. I enclose copies of both in vernacular, but they are not of sufficient importance to require translations.

3. Two days back I heard from the Nawab (copy and translation enclosed) that he would in five days send back his agent with full details, and professing his desire to co-operate.

4. I have

4. I have the honour to forward copy of a translation of my reply. I hope the Bombay Government will approve of the latter. In it I have endeavoured to act up to the spirit of the instructions which have reached me by telegraph; and I will most carefully endeavour to carry out this very delicate matter in the spirit of the orders of Government, and abstain from taking the line of argument which (as stated in my telegram) appeared to me desirable.

5. The Gaekwar's people say the Nawab is collecting the arms both in the villages and city. At one time I heard they were all collected. On the other hand, European officers who have come lately through Cambay, say there were crowds of armed men, and that they generally had a defiant look. Two guns command the Ahmedabad road, but they were put up in August last.

6. While affairs wear their present aspect, I cannot withdraw Major Hatch's battery of nine-pounders from Major Grimes' force. I was prepared for this, and looked to taking the four guns from battery at Baroda. I may do so still; but I am very sorry to say that (having English carriages) they have failed in this climate. Two of the guns of that battery sent here arrived quite unserviceable; they have been perfectly refitted; and inquiries made at Baroda lead to the conviction that the remaining four guns there must be completely refitted before they can be fit for service. It is a bad blow to my plans; but I can move eight field pieces from this, and should the 4 x battery fail as I expect, I can replace them as a demonstration; they will be useful, and they will be so much nearer the arsenal to refit. I have heard by telegram of two batches of European recruits, one of 150, and the other 87 men; they will be very valuable, as they may be at Kaira on the 10th instant; my difficulties are chiefly carriage and want of native infantry. The five siege guns are all ready, and only require more country carts. The two companies of 92d Highlanders will be at Kaira on 5th instant; the detachment 4th King's Own and Reserve Company are there to-day. The Assistant Quartermaster-General of the Division has been there, and with the magistrate and civil surgeon selected the best site.

7. Directly I hear the result of the advance on Oonaria, I shall push out everything I can get carriage for to Kaira.

8. Of course I have not thought of denuding Baroda of artillery without consulting the Gaekwar's Durbar. They assured me before the Maharajah left, that I could take every gun with safety, but I have signalled to ask if they are still of that opinion.

I have, &c.
(signed) *R. Shakespear,*
Brigadier General, Political Commissioner in Guzerat.

P. S.—It will be noticed in my last letter to the Nawab of Cambay, that I have volunteered assistance, should he require it. The fact is, that a siege train cannot be prepared to be set in motion, and a force cannot be organized at Kaira without its being known at Cambay.

(signed) *R. S.*

TRANSLATION of a Kureeta from His Excellency the Nawab of Cambay to General Sir *R. Shakespear,* Knight, Resident at Baroda.

After compliments, 12th Rumzun (27 April 1858).

I HAVE received your kind letter of date 20th April 1858, which was delivered to me by Aka Mahomed Ruza Khan and Hurmusjee, on the subject of disarmament, which is to be completed before the monsoon sets in.

My friend, on the receipt of a letter of date 25th July, as per desire of the British Government, I immediately commenced the said work, both in the city and the pergunnahs, because the friendship that hitherto existed between my ancestors and the British Government since their (British Government) arrival in this country, as also during my own time, has been unbroken, and is increased day by day.

Although you have considered me disinclined to this measure, I beg you will always consider me one of your well-wishers and friends, and in the said work (of disarmament) there is only delay of five days. On the 17th of Rumzun (2d May 1858), I shall inform you of all particulars through my kurpeer* days; what more need I say.

(signed) *Allruk.*

(True abstract translation.)
(signed) *W. Wilson,* Captain, Assistant Commissioner.

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* S. O.

ABSTRACT Translation of Brigadier General Sir *R. Shakespear's* reply.

My friend, 1 May 1858.

I HAVE received your friendly letter. I am very glad indeed to hear that you are well inclined to prove your friendship to the British Government by carrying out the measure of disarming, and that you promise me full particulars to-morrow. The rains are so near that I cannot lose a single day; and should your Highness, like my friend Maharaja Kundeh Rao Gaekwar, require aid to overawe those who are evil disposed, I shall be prepared to promptly supply it.

(True translation.)

(signed) *W. Wilson,* Captain, Assistant Commissioner.

RESOLUTION by the Honourable Board, dated 13 May 1858.

Resolved;—The Political Commissioner having since the despatch of this letter reported that the Nawab had offered satisfactory concessions, and that the force organized at Kaira had been broken up, no further orders are required on this letter, but the Right honourable the Governor in Council would express his approval of the Political Commissioner's letter to the Nawaub of Cambay, which seems to have been drawn up with care and judgment.

With respect to the feeling of defiance and hostility which is stated in this letter to have been observed at Cambay by individuals passing through that town, the Right honourable the Governor in Council thinks that the Political Commissioner should at once endeavour to get accurate information on the subject by the deputation of some intelligent officer to Cambay.

(signed) *Elphinstone.*
A. Malet.
H. W. Reeves.

No. 476 of 1858.

From Brigadier General Sir *R. Shakespear,* Knt., Political Commissioner in Guzerat, to *H. L. Anderson,* Esq., Secretary to Government, Bombay.

Sir, Ahmedabad, 5 May 1858.

I HAVE the honour to forward copy of Major Whitelock's letter, No. 227, of date the 3d instant, giving a most unfavourable account of the state of matters in the Mahee Kanta, but I am happy to say that during yesterday I received much more satisfactory notes from him.

2. The thakoor of Kutosun is reported, in the subsequent notes, to have entered upon the registry, and all the chiefs of his family, excepting one, have followed his example.

3. In another note Major Whitelock says, "the assistance of Kutosun, who I shall send for, will be a tower of strength in the Sauber Kaunta; he married Ellole's daughter."

In the same note Major Whitelock also writes, "Mohunpoor has sent me in a reasonable man," and things look better there.

4. I have the honour to forward copy of a note from Lieutenant Law to Major Whitelock, of date the 4th instant, detailing the operation which took place yesterday against the village of Oonoria. The Right honourable the Governor in Council will perceive that every effort was made to induce the people of that village to comply with our terms. It will be noticed in the concluding sentence of Major Whitelock's letter, referred to above, that they would have agreed to give up their ravine site and locate on the plain, but that they would not listen to any proposal regarding the surrender of their arms.

5. Thus we find the most notorious band of robbers in the country coming forward as champions to oppose the measure of disarming.

I could have well wished that the whole measure should have been carried out throughout the province without firing a single shot, but certainly if one must be fired it could not be expended in a more fitting manner.

6. The conduct of the robbers and their atrocious language were alike contemptible.

7. I beg to be allowed to draw to the favourable notice of Government the highly creditable conduct of Lieutenant Law on this occasion.

8. The result of the operation has not been so successful as I had anticipated for I had hoped that the men would have removed the material of their houses and located on the plain.

9. Their absconding must necessarily cause some anxiety, but I am disposed to think that they will not commit any acts of robbery, as the dread of being prevented from tilling their lands a month hence, for the rain crop, will act as a check on them.

10. They will most probably unite themselves to the koolies of other villages, whose chiefs have not as yet given in their adhesion to the measure of disarming. I trust to Major Whitelock's influence and to the display of our troops to win over all such chiefs; and when that is done, the Gaekwar's durbar will be able to make an arrangement for locating the kolies of Oonoria on a new site on the plain.

11. I have the honour to forward copy of my letter to Major Whitelock of this date, from which it will be seen that I intend to intrust the completion of the measure to the northward entirely to him; this is necessary, as the time has arrived for devoting my own attention to Cambay matters. I hope to arrive at Kaira on the morning of the 10th instant, and as the Nuwab has failed to keep his promise of sending his agent to me on the 2d instant, I have addressed a khurreeta to him, copy and translation of which are herewith transmitted, and will, I hope, meet with the approval of the Bombay Government.

12 I find I shall be able to assemble the troops noted in the margin * at Kaira. This force is ample as a demonstration, and as I understand that the Nuwab is really most anxious to accede to our proposal, whatever it may be, I trust to be able to carry out a satisfactory measure. I beg to say that with the exception of the khurreetas which have been forwarded to Government, I have had no communication, directly or indirectly, with the Nuwab, since the departure of the agents last month.

* Battery Golundauze:	
1st. Siege guns manned by Europeans,	5
2d. Field guns, X battery - ditto -	6
3d. Ditto, Captain Hossack's -	6
Total Guns - - -	17
European Infantry:	
Her Majesty's 92d Regiment -	166
Ditto - - 4th Regiment -	149
Total European Infantry -	315
Native Infantry:	
7th Regiment Native Infantry -	300
Irregulars - - - - - -	150
Total Native Infantry - -	450

I have, &c.
(signed) *R. Shakespear,*
Brigadier General, Political Commissioner, Guzerat.

(No. 227 of 1858.)

From Major *Whitelock*, Political Agent in the Mahee Kanta, to Brigadier General Sir *R. Shakespear*, Knt., Political Commissioner in Guzerat.

Sir, Sadra, 3 May 1858.

With reference to my letter, No. 211, dated the 25th ultimo, and your reply, No. 415, dated 26 idem, I have the honour to report that things here do not look any more favourable than before, and that I am afraid that the Raja of Edur and his puttavuts must be concerned in the evident combination there is to oppose the registration of arms in the principal rajpoot, and in the Saber Kanta Koly villages.

2. The Mohunpoor, Runasun, Timoee, Leekhee, and Prempoor chiefs all write that nothing is further from their thoughts and intentions than to do anything counter to the wishes and orders of the British Government, but that they could not possibly take the step of registering their own and their bhayad's arms, until after they had been set the example by the Marwaree and Saber Kanta chiefs, without bringing upon themselves everlasting disgrace, and therefore they implore and entreat that I will hold with them patiently until the others have both registered and surrendered their arms. The rajpoot chiefs making use of the Saber Kanta chiefs' names to shelter them, does not look at all well.

3. The chiefs named in the margin * have allowed the arms in all their villages, including those in which they themselves reside, to be taken in conformity to my instructions.

* Thakores of Mansa, Peethapoor, Wursora, and Wasna, rajpoots; Thakores of Amlyara, Poonadra, Satoomba, Dabha, and Rumass.

4. The chiefs of Kuttosun, with the exception of the thakores of Kuttosun, Muggoona, and Wisrora, have allowed their arms to be registered, of which some have already been collected.

collected. The chiefs of Khural, Gobut, Ihair, and Nermalee have had their arms registered, and no opposition is being made to their collection now in operation.

5. The chiefs of Mohunpoor, Runasun and Ghorewara have had the arms of some of their Koly villages registered, but refuse to register those in the villages where they themselves reside. The chief of Roopall, it is expected, will go no further than the others in disarming, though as yet no objection has been forwarded to me on this or any point.

6. From the preceding paras. it will be seen that chiefs of position, both among the Rajpoots and Kolies, have most laudably taken the lead, and which ought to have been sufficient to induce the others to follow in their footsteps, without entertaining any such idle supposition as that of their dignity being in the least compromised by doing so.

7. The first steps to be taken are to endeavour to overcome this formidable coalition, and it appears to me that there is little use in dealing now with any except the two principal heads, the Raja of Edur and the chief of Elole, as in the event of their being gained over, the others would quickly succumb.

8. I am inclined to believe, from the hints which I occasionally receive, that notwithstanding his pledge to the contrary, the Raja will ask when we meet, to have in his own hands the registration, collection, and custody of the arms belonging to his districts, and which would be a total frustration of the disarming measure as far as the whole country not yet operated on, as concession to him would increase the opposition elsewhere.

9. The proper course, in my humble judgment, will be a meeting between myself and the Saber Kanta chiefs at Jadur, next Thursday, which I have requested; and if they will not give then their consent to register their arms, and to deliver up such portion of them as may be required, there will be no choice left me than to punish the ringleaders; but the question of who shall be first singled out for punishment can be left in abeyance until after the determination of my interview with them.

10. Unless you particularly require for any purpose two of Hatch's guns, I should prefer keeping them all until the result of my conference with the Saber Kanta chiefs is known; and in that case, I should like to transfer at once three of them, with the company, 14th Regiment, Native Infantry, to Captain Heycock's column.

11. I watch with much interest the proceedings against Oonoria, as my immediate success elsewhere chiefly hinge upon the result; and though the last accounts from these, received half an hour ago, state that resistance will be offered, I am afraid that we shall find the village deserted to-morrow morning, if the terms offered to the inhabitants are not accepted unconditionally. Yesterday they sent a message to my assistant, Mr. Law, that they would remove to a fresh site, if allowed to retain their arms.

I have, &c.
(signed) *C. R. Whitelock.*

My dear Major, Oonodra, 4 May 1858.

We left Russoolpoor about midnight, and, owing to being detained in crossing a very steep nullah, where the guns had to be unhorsed, and "fisted" across, did not appear before Oonoria till about 7. As we passed the village of Bawice, the Kolees turned out armed, but did nothing, so the force let them alone, and passed on.

As we drew near Oonoria, finding that Lalla Asram had not arrived, I sent a sowar to Beejapoor, to say that the force would reach its destination in a short time, and that if he had any orders depending on this contingency, he should now carry them into effect. He wrote me back to say that he had yesterday attempted to persuade the Oonoria people to yield submissively, but without success. In the meantime, the force was drawn up before the village, or rather before two of its wasses (communication having been opened with Captain Heycock on our right, who wrote to say that Mr. Edwards had had several arrows shot at him). The Thanadar of Oonoria, Ram Shunkur, was with me, and, at Major Grimes' request, I asked him to go into the village, and explain a paper which Grimes had drawn up, to the effect that arms must be surrendered in one hour, when the inhabitants might quit in peace. The Thanadar refused, and said we might kill him, but go he would not. I was puzzled here, for there was no one to explain to these unhappy wretches that an hour's law was theirs if they liked.

Our guide was at last sent in to deliver the paper and explain its contents, which we made him acquainted with. He returned soon, saying that they made to strike him, had torn up the paper, and said, that instead of giving up their arms they would take his, which they did, his bow and arrow. The force now drew nearer, and soon a number of armed men, about 150, appeared on our left flank. Four of the Guzerat Horse were sent by the commanding officer to call one of them, but only received abuse, shouted from a distance. As soon as they returned, I asked Grimes to wait, whilst I rode up and parleyed with them alone; I was very anxious to avoid all possible chance of bloodshed, and exhaust beforehand all means of persuasion. Grimes at first demurred, saying I should be shot, but eventually agreed. I told no one to follow me, and cantered quietly up to them; at some 80 yards distance they stopped me. I called out in the little Guzerattee I can muster for one man to advance; after a little parley amongst themselves, one old man came to the front, waving a cloth on a bamboo stick, and with him I commenced to point out the absurdity of resistance to such a force; explained to him that he had an hour to yield up his arms, and would then be allowed 48 hours time to quit, and carry off his goods. He returned to his comrades, but presently rejoined me with this proposition: that we should encamp on the plain, and he and others would come to our tents and talk over the matter. (Here I was very nearly in a pickle by two or three sowars coming up to join me; the villagers chose to become very excited on seeing them approach and flourish their weapons, and I ordered the sowars back once more). This was nonsense, and thinking they did not understand me, I sent back the deputy to know if they would let one send for a carkoon; they did, after a while, and I had Chotalall called; we were within some 50 or 60 paces of the body of men, and did our best to urge on them and the deputy to yield. However, it ended in their shouting "There are 4,000 armed Bheels ready, and we will not give up our weapons, &c. &c." I saw it was hopeless; they were getting insolent instead of more peaceful; and having done all I could, we returned. I must not omit that towards the end of our parley, the Koolies said they did not belong to Oonoria (though they had to help them), but to the Kanta. On learning this, I told them to go about their business, and not to dare approach the force, armed as they were, and shouting defiantly; in fact, I begged them to be off, as the Sirkar, if they were not Oonoria men, wanted nothing to do with them; but it was all of no use. All this I reported to the commanding officer, who ordered a round of special case, which dispersed them. The force then advanced close to the two wasses; they appeared deserted, but a few shot and shell were sent in, and then some skirmishers. I went too, and found not a soul; there was some kurbie, not much; a pile of rafters for building, but nothing else. The place, however, could not long have been evacuated. The work of demolition then commenced, and is now going on. Our great stress here, when we have encamped, is water; none but that of the river is to be had. I returned to my tent about 1 o'clock, and found the Kumavisdar of Beejapoor and Lallea Assram waiting for me, but I must say that I never called either of them. The visit originated from them, and I at once begged the Kumavisdar to return and look after his own work of disarming first, making with them an arrangement for supplies.

I trust that there is nothing in the above but what you will approve. Excuse this hurried account, for I am very tired, hot and dirty. I will write the above officially, should you desire it.

Yours, &c.
(signed) *S. Law.*

(No. 470 of 1858.)

From Brigadier General Sir *R. Shakespear*, Knight, Political Commissioner, Guzerat, to Major *Whitelock*, Political Agent, Mahee Kanta.

Sir, Camp Ahmedabad, 5 May 1858.

I HAVE the honour to acknowledge the receipt of your letter No. 227, of date 3d instant. It gives a very unsatisfactory account of the state of feeling on the disarming question; but subsequently I have heard from you that the "Thakore of Katosun is having the arms of his village of Katosun registered, and all follow, except the chief of Mugoona;" also, "that Mohunpoor has sent a reasonable man, and that things look better there."

2. I find it absolutely necessary to have two of Major Hatch's guns here, and I beg you will send them, with the company of 14th Native Infantry as an escort.

3. I have also heard of the occupation of the village of Oonoria by our troops.

4. I beg you will proceed to carry out the original plan of a column on either side the Saber Muttee advancing up that river, and the disarming going on simultaneously with the advance. I hope you will be able, by a display of force and by personal influence, to avoid any open rupture with the Rajpoot chiefs; you cannot be too conciliatory and lenient towards them, and I would carefully avoid all threats; you have already done so much, that I feel confident you will succeed. It would be a most serious misfortune to be involved, at this late season, in actual hostilities with the Rajpoot chiefs. They are not robbers like Oonoria, but respectable persons, who have always been our faithful servants. The disarming touches their pride, and it will require first-rate tact and talent to so arrange as that the Koolies, and other plundering classes, who are dependents of the Rajpoot chiefs, shall be disarmed to such extent as the safety of the country may require, without driving the chiefs into rebellion.

5. I highly approve of your proposal to go to Jadur, and shall be glad to hear of your moving about and seeing much of the chiefs.

6. You have Lieutenant Law to act as an assistant on the eastern bank, and Lieutenant Le Geyt on the western, and Captain Anderson to remain with you. The force at your disposal is very strong in artillery, and of respectable strength in the other branches. You will, I am sure, succeed in bringing this very delicate and difficult duty to a satisfactory termination.

7. I am thus particular in stating my views, because it is necessary for me to go to Kaira, to endeavour to arrange the Cambay question, and the whole operation to the north will depend on you.

I have, &c.
(signed) *R. Shakespear.*

TRANSLATION of a Khurreeta sent by Brigadier General Sir *R. Shakespear*, Knight, Political Commissioner, Guzerat, to his Excellency the Nawaub of Cambay.

My Friend, Ahmedabad, 5 May 1858.

IN your khurreeta of date the 27t2 April, you promised me that you would give me full particulars of the disarming in five days, but eight days have now elapsed, and I have heard nothing further from your Highness.

I now write to inform your Highness that I shall be at Kaira on the 10th instant, and that unless by that time something satisfactory has been completed, the matter will become very serious.

I hear that your Highness is really endeavouring to show your friendship to the British Government by carrying out its wishes; but, my friend, this is a time in which servants and ill-disposed persons have, in many quarters, ventured to oppose their masters and rulers.

Your Highness must be well aware of what has occurred in other places.

At Dhar and at Kotah the outrageous misconduct of the servants of those states has brought upon the rulers lasting disgrace and injury.

Under the impression that evil-disposed people at Cambay have caused the delay which has occurred, I am collecting troops and guns at Kaira to support your Highness' authority, and to enable you to show your friendship to the British Government, by carrying out the measure in which it is so much interested.

(True translation.)

(signed) *W. Wilson*, Captain,
Assistant Political Commissioner.

RESOLUTION by the Honourable Board, dated 13 May 1858.

Resolved,—

THE Right Honourable the Governor in Council is gratified to understand that a more promising account of the state of feeling in the Mahee Kanta was received from Major Whitelock, after the Despatch of his letter of the 3d instant.

The Right Honourable the Governor in Council concurs in the views expressed by the Political Commissioner, in the 5th para., relative to the destruction of Oonoria. His Lordship in Council considers that Lieutenant Law is entitled to the commendation of Government, which he requests may be communicated to that officer.

The Political Commissioner, in a telegram of a date subsequent to that of this letter, has announced that the Nawab has made concessions, and that the force at Kaira has been broken up. No orders are therefore at present demanded on that part of the letter which relates to Cambay.

(signed) *Elphinstone.*
A. Malet.
H. W. Reeves.

No. 479 of 1858.

From Brigadier General Sir *R. Shakespear*, Knight, Political Commissioner, Guzerat, to *H. L. Anderson*, Esq., Secretary to Government, Bombay.

Sir, Ahmedabad, 6 May 1858.

I HAVE the honour to forward copies of the documents noted in the margin.*

2. I consider it my duty to forward copies of those documents, as they detail the steps taken prior to the advance on the village of Oonaria.

3. I have not yet received any official communication from Major Grimes, regarding his proceedings against the village of Oonoria.

I have, &c.
(signed) *R. Shakespear*,
Brigadier General, Political Commissioner, Guzerat.

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* 1. Major Whitelock's letter, No. 231, of 3d instant, to me.
2. Major Grimes' letter, No. 14, of date 1st instant, to Major Whitelock.
3. From the latter to the former, No. 226, of 2d instant.
4. Translation of a Proclamation issued by Major Whitelock to the people of Oonoria on the 1st instant.

(No. 231 of 1858.)

From Major *Whitelock*, Political Agent in the Mahee Kanta, to Brigadier General Sir *R. Shakespear*, Knight, Political Commissioner in Guzerat.

Sir, Sadra, 3 May 1858.

I HAVE the honour, in reference to your letter No. 450, dated the 1st instant, to forward for your information copies of the documents entered in the margin.

Major Grimes' Letter, No. 14, dated 1st instant, to my address. My reply, No. 226, dated 2d idem, a notification addressed by me to the inhabitants of Oonoria.

2. I beg to state that I have not seen or heard anything of "Lalla Afram," who was deputed by the ministers of the Gaekwar's Durbar to induce the Oonoria villagers to locate on the new site, but that I have given Mr. Law directions regarding him should he make any application to him on the subject.

3. I beg to state that my notification was ready to be issued on the 29th ultimo, and delayed, as I did not know before the 1st instant, on which date Major Grimes would assemble the troops in front of Oonoria, which I was very desirous should be announced to the inhabitants.

I have, &c.
(signed) *C. R. Whitelock*,
Political Agent.

(No. 14.)

From Major *Grimes*, Commanding Field Force, to Major *Whitelock*, Political Agent, Sadra.

Sir, Purantej, 1 May 1858.

WITH reference to your letter, No. 222, of the 29th ultimo, I have the honour to inform you, I am now prepared to disarm the village and dependencies of Oonoria.

If you consider it necessary for me to do so, I shall advance the forces from their present positions on Oonoria, and on arrival there call on them instantly, or within one hour, to lay down their arms and surrender them; if they do so, well and good; if not, I shall attack them.

They are, of course, well aware of the conditions regarding the removal of the village from its present site, and all arrangements on this head can be made when they have surrendered their arms, but I cannot advance the force much nearer than it is at present, without authority to act as above stated, as, were I to do so, the want of water might oblige me to retreat, as, if the village holds out, all access to the river is cut off.

I have, &c.
(signed) *G. R. Grimes*,
Major, Commanding Field Force.

(No. 226 of 1858.)

From Major *Whitelock*, Political Agent in the Mahee Kanta, to Major *Grimes*, Commanding Field Force.

Sir, Sadra, 2 May 1858.

I HAVE the honour to acknowledge the receipt of your letter, No. 14, dated yesterday, informing me, that you are now prepared for disarming the village and dependencies of Oonoria.

2. In reply, I beg to inform you, that the inhabitants of Oonoria have been formally told that a British force will appear before that village on Tuesday morning next, for the purpose of compelling them to evacuate their present site among deep and intricate ravines, to locate on a spot situated in the plain, and receiving their arms. They have been moreover advised, that on the fulfilment of those obligations, they will be free from all molestation, and need be under no apprehension there from the arrival of the troops.

3. I consider that the terms offered them will be gladly accepted; but I fully concur with you in opinion, that, after your arrival before the village with the troops, an hour's consideration is ample to allow them for surrendering their arms, but, if there should however be any appearance of opposition being made, the villagers should be carefully informed that we do not war with women and children, and that their families will be free to proceed whithersoever they choose, without examination or hindrances of any sort.

4. I beg to annex for your information an extract, para. 2, from a letter from the Political Commissioner in Guzerat, No. 450, bearing yesterday's date, to my address.

5. As soon as the services of the column under the command of Captain Heycock, Her Majesty's 89th Regiment, can be dispensed with from Oonoria, I request the favour of your giving directions for it to proceed to the town of Beejapoor, which is about six miles from that village.

I have, &c.
(signed) *C. R. Whitelock*,
Political Agent.

TRANSLATED Substance of a Notification addressed by Major *Whitelock*, Political Agent in the Mahee Kanta, to the Inhabitants of Oonoria and its seven wasses (hamlets), and forwarded to the Beejapoor Kumavisdar for publication on the 1st May 1858.

LET it be known to every one that the fact has been brought to the notice of the British Government of your having been called upon to register your arms, and that instead of your having obeyed this lawful order, you have returned the following highly disrespectful and contumacious answer:

"That if Aglore and other places will register their arms, you will follow their example, and act accordingly, but that you will neither register nor surrender your arms before the others have done so."

Now it is very evident and necessary that you should implicitly obey the orders received by you, and not arrogate to yourselves that they will be obeyed, or set aside as others may act, and your conduct therefore is viewed as extremely insolent. It is well known that your village has been mehwaree (inhabited by plunderers) for years past, and how frequently have your plundering propensities and crimes been reported; but in order to prevent hereafter your disobedience to the Government orders, and to restrain you from perpetrating further crimes, it has been decided that your village shall be removed from its present site, among ravines, to a spot to be fixed upon in the plain, and with the view of carrying this arrangement into effect and receiving your arms, the troops of the two Governments will appear before your village on Tuesday morning, the 4th May next (Sumvut 1914, Vaishak Vud 6), and if no opposition is offered by you, there is nothing to be feared from the arrival of the troops, for it is neither the wish nor the intention of the Government to molest or hurt any one.

Ponder well over this order, and obey it, and when you have delivered up your arms, a convenient spot on the plain will be pointed out by my assistant and the kumavisda of Beejapoor (or a khamdar on his behalf), where you may reside for the future.

To enable you to remove from your present dwellings, your wives, children, grain and other property, including the roofing of your houses, you will be allowed the space of 48 hours, and after the expiry of that time, an order will be given to level your present houses to the ground; you must therefore remain, when the troops appear before your village, and carry out the order now given you, and be careful that no one disobeys it.

Given under my hand on the 1st day of May 1858.

(signed) *C. R. Whitelock*,
Political Agent.

RESOLUTION by the Honourable Board, dated 15 May 1858.

Resolved,—

THAT the Right Honourable the Governor in Council approves of the tenor of the Notification, addressed on the 1st of May to the inhabitants of Oonoria, by the political agent in the Mahee Kanta.

(signed) *Elphinstone.*
A. Malet.
H. W. Reeves.

No. 502 of 1858.

From Brigadier General Sir *R. Shakespear*, Political Commissioner in Guzerat to *H. L. Anderson*, Esq., Secretary to Government, Bombay.

Sir, Ahmedabad, 9 May 1858.

I HAVE the honour to forward copy and translation of a Kureeta, which reached me yesterday, by the hands of two agents of the Nawab of Cambay.

2. It will be seen that the Nawab expresses himself in the most submissive terms; such expressions as "The existence of my state in Hindostan solely depends on the mercy of the British Government," and the imploring tone generally of the Kureeta, are almost painfully humble.

3. The two agents brought with them detailed lists, five in number, showing the personal arms of his Highness, of the Sepoys in his service, of the people in the city, and its suburbs, and also in the 65 villages in his estate.

4. I objected to the list, saying that it was impossible to know whether all the arms were really registered in them; also, I demurred, on the ground that it was impossible to feel certain that the arms had really been taken. The Nawab's agents offered to show me the name of every person whose arms had been registered, and

and they agreed that any officer I might send should go to Cambay, and test the whole of the lists, and count the arms that had actually been taken; also that the arms should be put in a separate place, and inspected by us periodically.

5. A careful examination of the lists convinced me that the Nawaub has acted in good faith in their preparation.

For instance, in his own personal arms, he enters 55 guns; 30 in the arsenal, out of which 14 are in good condition, viz., 7 small and 7 larger; 16 in bad condition, lying in the arsenal; 25 on the walls in bad condition; total 55.

Again, in the list of soldiers in his employ, he enters the names of every Jemadar who commands a party, and gives the details of the arms of different sorts belonging to each party.

6. It would thus be easy for any one at Cambay to ascertain whether each Jemadar mentioned was in reality a servant of the Government; and the agent offered to show the books of the Government, to prove the date from which the Jemadar and party had been in their service; I was particular about this list, because it amounts to 1,675 swords, and 637 matchlocks.

7. Again, the list, No. 3, of the arms in the city and suburbs, belonging to the subjects in Cambay, was one to which I objected. It gave details as to Cambay itself, and its four suburbs, naming each of them, but the total appeared to me to be too small, being 924 swords, and 101 matchlocks, 1 jingal, and 25 pistols.

8. The agent replied to my objections by proposing to show the detailed lists, containing the names of every person whose arms had been registered and taken, and that any one sent by me should make inquiries to ascertain whether any person had been omitted in the list, and they produced the list, No. 4, showing 79 swords, 40 matchlocks, and 13 pistols, in addition, in the hands of the manufacturers of the city.

9. Again, the list of the 65 villages shows a very fair if not a larger proportion of arms, of all descriptions, than in the Kaira district, and details those left by the Nawaub in the hands of the villagers for their own protection, as per margin.

65 Villages.	Jingals.	Matchlocks.	Pistols.	Swords.
Surrendered	18	232	- -	2,336
Left - -	- -	53	1	692

10. Finding that the tone of the Nawaub's Kureeta left nothing to be desired; that the lists of arms bore on their face the appearance of truth, and that the Nawaub offered not only to have them tested, by an officer sent by myself, but that he also should count the actual surrendered arms, I could not but be convinced that, as far as disarming was concerned, the measure was obtained in as satisfactory a manner as could be desired.

11. There remained the question of demanding the surrender to us of the arms; and, according to my instructions, I proceeded to consider whether the state of matters in the Mahee Kanta, and the strength of the garrison I could leave at Ahmedabad, and the force available for operations at Cambay, justified my making the demand.

12. I consider that I must make up my mind at once one way or the other, because, if I advanced the siege* train to Kaira, I could not then accept the terms for which the Nawab, through his agents, was at the time a humble supplicant.

* It had not started.

13. After the most careful consideration, I decided that it was my duty at once to accept the terms solicited for by the Nawab, and I now proceed to detail the circumstances which led me to this decision.

1st. *The State of Mahee Kanta.*—I found that though one month had elapsed, still the operation of disarming Mahee Kanta Proper had made but very little progress; there were symptoms of a serious combination amongst the chiefs, and more particularly those of the Sauber Kanta.

The Kolies had openly and daringly defied our authority, and avowed their intention of never surrendering their arms. Major Grimes, who commands, so far from feeling his force too strong, had applied to me in his note, received yesterday morning, to have one Company of Native Infantry (which came in to Ahmedabad on escort duty) returned to him.

2d. *The*

2d. *The Strength of the Garrison of Ahmedabad.*—I found that if I took every man in the wing of 7th Regiment, Native Infantry, I should not have 300 bayonets of that regiment to take to Kaira. If I withdrew them, I should have left Ahmedabad with 320 Native Infantry fit for duty.

The risk of so doing was so great, that I could only send 100, 7th Regiment, Native Infantry, as an escort with the siege train to Kaira, and was obliged to signal to Kaira to get 100 Guzerat Provincial Battalion to form part of the escort.

In fact, my weakness here compelled me to think it a matter of congratulation that the Nawab's suppliant kurreetea rendered it unnecessary for me to move the siege train, and thereby reduce the garrison of Ahmedabad; again, the new barracks for the Europeans.

They are all chuppered, and necessarily occupy a considerable space. They are quite separate from the native lines, and are in so exposed a position, that I have found it necessary to place three posts of Hussein Khan's levies to form a chain of sentries until, by the return of the Mahee Kanta force, the Brigadier commanding can protect them by pickets of regular native infantry.

3d. *The State of Feeling in the Country.*—Government must be well aware that whatever must be the ultimate benefits to be derived from the disarming, the measure must be unpopular; every man possessed of a knife or a sword considers that Government has robbed him of so much property.

I was bound to contemplate the probability of an outbreak in the Ahmedabad district, north and west, which have not yet been disarmed, and (owing to the operations in Purantej and Morassa) the probability of the civil authorities requiring more aid than the police establishment could give them.

Only the day previous an affray occurred in which police sowars were beaten out of a village, and which the assistant magistrate thought of sufficient importance to report to me.

It behoved me to reflect that if such a requisition was made by the civil authorities, it would be simply impossible to comply with it, if I carried measures to extremes at Cambay.

4th. *Carriage.* —The Commissariat officer here and his superior at Deesa have both repeatedly and urgently brought to my notice the vast amount of stores lying at Cambay for the use of the European troops in Rajpootana, and the almost certain impossibility of getting them to their destination before the monsoon, if the siege train was kept and equipped for any time. To have carried the measure to the extreme with Cambay would have necessarily caused considerable delay, and an outbreak of the populace of Cambay would most probably lead to the destruction of the whole of the stores, which could not have been replaced from Bombay at this period of the season.

The line of operation at Cambay was precisely the one on which the stores were being transported; and, hence to carry on the measure would detain the stores, there not being sufficient carriage for both.

5th. *Climate.*—I found that if I could signal to Kaira for the Europeans, there to march at once to Surat, they could not arrive at that place by the 25th instant at the earliest; and that if I carried out the measure to extremes, they would be delayed certainly for a considerable period, and probably for a month.

The above are the reasons which actuated me, and led me to decide on at once giving up all coercive measures against Cambay, and, being satisfied with a complete surrender of the arms to its own ruler by the people of that city and district.

14. It may be urged that I should have thought of all these matters before, and should not have anticipated the possibility of being strong enough to carry the measure to extremes in Cambay.

15. In reply, I beg to urge, that I have been very much disappointed in the progress made in the disarming of the Mhye Kanta; not only have I been unable to withdraw native infantry from the columns employed there, but Major Agar's police have been so much required, that he has been only able to give 150 men, and they even are acting with one of the columns in the Mhye Kanta operations.

16. The provincial battalion at Kaira has only been able to give me 125 men, and Mr. Gray writes, by doing so, he is obliged to keep 70 men on continual duty.

17. The demonstration made against Cambay has led the Nawab to prompt and complete compliance with an actual registry and disarming, and as the measure now stands with respect both to him and the Gaekwar, we could, with other chiefs in Kattiwar and elsewhere, urge that, while according to our wishes, though they in nowise compromise their own dignity, they very materially added to their own power.

18. It now remains to show the precautions I have taken to secure the measure of disarming with the Nawab, being a *bonâ fide* transaction.

19. I enclose copy and translation of the Kureeta, which I have written to His Highness; and also copy of the instructions given by me to Lieutenant Newton, the officer whom I had selected to proceed to Cambay to test the lists of arms, &c., and if I have omitted therein any instructions that would be useful to him, I beg that you will point them out to me.

20. I have very pointedly told the Nawab's agents, that if there proves to have been fraudulent dealing on the part of the Nawab or his officers in this matter of disarming, the British Government will resent such breach of faith in a very marked manner. My own conviction is that throughout the 65 villages the Nawaub has carried out a perfect disarming, leaving only enough for the protection of his people; but that in the city there have been considerable numbers of arms secreted; but I am sure that we can carry any measure for fresh registry which Lieutenant Newton's inquiries and report may render necessary.

I have, &c.
(signed) *R. Shakespear*, Brigadier General,
Political Commissioner in Guzerat.

TRANSLATION of a Khureeta from His Highness the Nawaub of Cambay, to Brigadier General Sir *R. Shakespear*, dated 5th May 1858.

After Compliments,

MY ancestors perceived that during the rule of former dynasties there never was such perfect security for all grades of people as under the rule of the Honourable East India Company.

From the first we have looked always to your Government for support, to enable us to live in honour and safety, and have considered the welfare of our state dependent on the English Government.

Your Government is a wonderful one; no one can interfere with his neighbour, whether he be a chief or a beggar, and all the subjects remain in safety and security. Your Government protects them as a father protects his children. This being the case, who could be so infatuated as not to wish for the welfare of such a Government? If every hair was a tongue, I could not express my obligations adequately.

I beg you to consider that the existence of my Government in Hindoostan depends entirely on the kindness and protection of the English Government.

Other states have allies, but I have none except the British. The friendship between the two Governments is well known everywhere. I am unable to express my gratitude for the long-existing friendship and protection of the British Government.

Call on me to perform any service, and depend on it I will not fail to the utmost of my power.

TRANSLATION of a Khureeta from Brigadier General Sir *R. Shakespear*, Political Commissioner in Guzerat, and commanding N. D. Army, to His Highness the Nawaub of Cambay, dated 8th May 1858.

After Compliments,

MY friend, I have to-day received your kureeta, dated 5th May 1858, expressive of your Highness' devotion to, and dependence on, the British Government. My friend, your servants Aka Mahomed Ruza Khan and Shewuk Lull have brought me detailed lists, five in number, of the following description:

No. 1. List of your Highness' personal arms, being 55 cannon and 126 arms of different sorts.

No. 2. List of the arms of the Government servants in the city of Cambay, giving in detail the names of the different jemedars and officers, and showing that there are altogether with

with them 1,675 swords, 637 matchlocks, and 131 pistols and arms of other descriptions, making a total of 3,646 arms.

No. 3. List of arms in the city and suburbs of Cambay belonging to your Highness's subjects, showing 924 swords, 101 matchlocks, and 25 pistols, and one gingal, making a total of 1,500 arms of different sorts.

No. 4. List of arms of servants and others in the hands of manufacturers, being a total of 163 arms of sorts.

No. 5. List of arms in 65 villages in your Highness's purgunnahs, showing 2,336 swords, 232 matchlocks, 18 gingals; altogether 6,047 arms of sorts belonging to the ryots of the said villages.

In the same list is an entry of 720 persons employed by your Highness in different capacities in the 65 villages, and for their use you have allowed 692 swords and 53 matchlocks, and other arms; in all 2,490.

Your servants above named have shown me the above-mentioned lists, and on my pointing out to them that the number of arms mentioned in the city and suburbs appeared to me to be small, they offered to produce the names of each person bearing arms in the city and suburbs, and proposed to have this and the other lists tested in any way I thought fit; and on my asking them how it could be ascertained that the arms had really been taken by your Highness, it was agreed that an European officer should proceed from this to Cambay, in order that he might examine into all such details, and see that the arms had really been collected.

My friend, you have said truly that the British Government has always treated your raj with kindness, and that it has supported it from the commencement of the intercourse between the two states up to the present day.

As long as you act up to the friendly spirit of your present kureeta, you may depend on that friendship being continued.

In full confidence of the assertions of the servants whom you have sent to me, that your Highness is not only willing, but able to carry out the disarming in your city and village, I have ordered all the arrangements that I had made with troops and guns for supporting your authority to be countermanded, and I have directed Lieutenant Newton, an officer in whose judgment I have confidence, to return with your Highness's servants to Cambay.

Explain to him carefully all the arrangements you have made for meeting the wishes of the British Government, and show to him the arms you have taken; act with sincere friendship, and rest assured that it will be for the permanent good of your state.

(True translation.)
(signed) *W. Wilson*, Captain,
Assistant Political Commissioner, Guzerat.

No. of 1858.

From Brigadier General Sir *R. Shakespear*, Knight, Political Commissioner, Guzerat, to Lieutenant *Newton*, proceeding to Cambay on special duty.

Sir, Ahmedabad, 9 May 1858.

I have the honour to forward five lists which have been given to me by the agents of his Highness the Nuwaub of Cambay, as containing the whole of the arms of different sorts within the city, and 65 villages of the Cambay district.

2. I also send a kureeta which you will be good enough to take his Highness, whose two agents, Aga Mahomed Ruza Khan, and Shewuk Lall, will accompany you.

3. The object in sending you to Cambay, is to ascertain whether the lists herewith forwarded, really represent, as they purport to do, the arms both of his Highness, his followers, and his people.

4. The mode in which I would wish you to proceed in testing these lists is as follows:—

5. You should make an accurate translation with your own hand of list No. 1, in the first place, and having thoroughly mastered its contents, you should consult with Dr. Summers, who has long resided at Cambay, regarding the probability of the genuineness of this list.

6. It mentions 55 guns, of which 14 only are said to be serviceable; you will have no difficulty in seeing them and counting them, but when doing so, and on all similar occasions, you should always be accompanied by the Nuwaub's agent, Aga Khan.

7. The other items in this list are the personal small arms, 126 in number, and it is unnecessary to occupy much time regarding them.

8. I understand that during the height of our troubles in August last year, the Nuwaub put up two guns on bastions, on the Ahmedabad road; I told Aga Khan, in your presence, that those guns must be removed, and you will see that this is done.

9. List No. 2 will require your very particular attention. It details the names of the different native officers commanding parties of men in the Nuwaub's service, and gives the number of arms in each detachment.

It will be necessary for you to very carefully test this list.

10. By Mr. Summer's assistance, and that of the native to whom I have given you a letter, you will have no difficulty in ascertaining whether this list, generally speaking, is a genuine document.

The object is to discover whether the officers and men included in this list, are in reality the paid servants of the State, or whether they have been brought on the strength merely to avoid their being disarmed.

11. Aga Khan will produce the account books of the State, from which you will be able to discover, name by name, whether each jemadar was on the rolls a year back, and whether his detachment was of the numerical strength mentioned.

12. In the event of fraudulent entries being discovered, you will cause Aga Riza Khan to strike the item out of List No. 2, and call on him to disarm the party.

13. List No. 3 is the one of the whole which will give you the most trouble. It professes to give an abstract of the arms belonging to persons in the city and suburbs of Cambay, and the proportion of swords (924), and more particularly of matchlocks (101), is suspiciously small. The agents of the Nuwab have detailed lists of the individuals whose arms are entered in this list, and the whole of which are said to have been taken by the Nuwab; it will be very difficult for you to test the genuineness of this list, but you must do your utmost, and if you discover any fraudulent registry, you must call on Aga Riza Khan to have a fresh registry made, and severe punishment inflicted on the offender. Much time and trouble should be devoted to list No. 3.

14. List No. 4 professes to be the arms in the workshops, and they should all be placed with the other surrendered arms.

15. List No. 5 will not give you much trouble, because the proportion of arms taken and left in the 65 villages is evidently reasonable; still you should go through the details of each village separately, and test them as much as you can. The 6,047 surrendered arms should be found in the palace, and the 2,490 are to remain with the villagers.

16. Having gone carefully through each list, you will be able to make out from Nos. 3, 4, and 5 when completed, the total number of arms which ought to have been collected, and having arrived at that result, you will then proceed to count them, and ascertain by personal inspection the following points:—

1st. That a building within the citadel is assigned for the surrendered arms, that it has a door and lock, and that a sentry and guard are placed over it.

2d. That the arms of the different sorts in the said room correspond with the number which ought to be collected according to lists Nos. 3, 4, and 5.

17. I have heard that armed men in Cambay have, since our troubles in India, been in the habit of not salaming to British officers in the city of Cambay; you will take immediate notice of anything like disrespect, and insist on Aga Khan having the offender arrested. According to the new arrangement, every man with arms in his hands must be a Government servant, and every Government servant of the Cambay State is bound to salute a British officer.

18. I have also heard that European women have been annoyed by rudeness and impertinence; you should inquire carefully into this, and if it has been confined to certain localities or streets, the Nawaub must be called on to have parties so offending punished, and precautions taken to prevent a repetition of such insolence.

19. While employed on this duty, I have recommended that you be allowed to draw a deputation allowance of 5 rupees per diem.

I have, &c.
(signed) *R. Shakespear*, Brigadier General,
Political Commissioner in Guzerat.

RESOLUTION by the Honourable Board, dated the 16th May 1858.

Resolved,—The proceedings of the Political Commissioner are characterised by judgment and caution, and are fully approved by Government.

(signed) *Elphinstone*,
A. Malet,
H. W. Reeves.

No. 387.

From the Quartermaster General of the Army, to *H. L. Anderson*, Esq., Secretary to Government, Secret Department, Bombay.

Head Quarters,
Mahableshwar, 4 May 1858.

Sir,

I AM desired by the Commander in Chief to forward for the information of Government copy of a letter from Brigadier General Sir R. Shakespear, and my reply of yesterday's date.

No. 182 of 1858, 23 April.

I have, &c.
(signed) *R. Phayre*, Lt. Col.,
Quartermaster General.

No. 182 of 1858.

From the Brigadier General, Commanding N. D. Army, to the Quartermaster General of the Army.

Camp, Ahmedabad, 23 April 1858.

Sir,

IN my letter, No. 176, of date the 20th instant, I mentioned that it was contemplated to carry on operations against two places, one north, the other south of Ahmedabad.

2. I have now the honour to report that the Political Commissioner informs me that he has reported to Government that it is impossible, before the monsoon, to undertake operations against the place north of Ahmedabad.

3. All the resources at my disposal will now be devoted to making a demonstration in the direction of Cambay, such as will compel the Nawaub to prompt compliance with the wishes of Government.

4. With this view, I have directed the officer commanding at Baroda, by a telegram, to order the officers commanding the two detachments, as per margin, to halt at Kaira pending further orders.

1st. Reserve Company, Royal Artillery. 4th Foot.

2d. Two Companies 92d Highlanders.

5. The first mentioned of the two detachments ought to arrive at Kaira on the 29th instant, the second on the 3d proximo.

6. The Political Commissioner informs me, that even if the Nawaub wished it, it is most improbable that he should have the power to compel the people of the city of Cambay to surrender their arms, and that to effect that object it is necessary to make a demonstration.

7. As the city of Cambay contains 50,000 inhabitants, one half of them being Mahomedans, and as the Nawaub has heavy guns, and may be compelled by his people to offer opposition, and as the lateness of the season would render it impossible to wait for heavy artillery, should a demonstration of infantry and field pieces fail to attain our object, I have come to the conclusion that, both as a political and military question, it is necessary that the troops about to be assembled at Kaira should be supported by siege guns.

8. On my arrival here, finding that no siege guns whatever were ready for field service, the whole having been taken by General Roberts, I directed the senior officer of artillery in the division to prepare the pieces noted in the margin, to move, if required, by the 28th instant,

One 18-Pounder.
Two 8-in. Howitzers
Two 8-in. Mortars.

instant, and I yesterday ordered indents to be sent in for carriage, so as to enable the whole to move from this on the 1st proximo.

9. The Political Commissioner has written to Major Whitelock, Political Agent, Mahee Kanta, to say that four guns of Captain Hatch's battery must move towards Kaira by the 1st proximo at latest.

10. The Political Commissioner has called upon me to move a field force to Kullole, the second march on the road to Deesa, and within the territories of his Highness the Gaekowar, and I have placed the force, as per margin,* at his disposal for the above duty, and as desired by him, have directed the senior officer to take orders from him.

11. Enclosed, I have the honour to forward copy of the instructions of the Political Commissioner, and beg to say that the 200 native infantry therein referred to are held in readiness at Ahmedabad to move to Kullole at a moment's notice.

12. I have ordered the remaining two guns of Lieutenant Conybeare's battery to move on Deesa to be stationed there.

13. His Excellency will notice that the bulk of both the field forces at Kullole and in the Mahee Kanta is to be stationed at Deesa, and that while aiding the political authorities in carrying out the measure of disarming the country, they are advancing to their ultimate destination.

14. But this is not the case with the troops which it is necessary to assemble at Kaira, the whole of which are moved away from their ultimate destination, unless indeed it be decided that the left wing, 7th regiment Native Infantry, which will form a portion of the force and will accompany the siege guns, should be quartered at Rajkote for the moonsoon.

15. The Political Commissioner informs me that it is desirable to have another wing of native infantry quartered at Rajkote during the monsoon; it is for his Excellency the Commander in Chief to decide the destination of the wing of 7th regiment Native Infantry, the two companies Her Majesty's 92d Highlanders, and also the reserve company of Royal Artillery.

I have, &c.
(signed) *R. Shakespear*, Brig. Gen.,
Commanding N. D. A.

No. 377.

From the Quartermaster General of the Army, to Brigadier General Sir *R. Shakespear*, Knt., Commanding N. D. A.

Head Quarters, Mahableshwur,
3 May 1858.

Sir,

YOUR letters, Nos. 182 and 190, dated 23d and 24th ultimo, have been submitted to his Excellency the Commander in Chief this day.

One 18-Pounder.
Two 8-in. Howitzers.
Two 8-in. Mortars.

2. His Excellency concludes that you are in possession of such information relative to the defences of the city of Cambay and the means of carrying them, as warrants your undertaking the operations meditated with only one piece of breaching ordnance.

3. The strength and composition of the attacking force should have been named.

4. The Inspector General of Ordnance has been called upon to explain how the Ahmedabad Arsenal has not been replenished with siege ordnance (since General Roberts withdrew from it what he required for Rajpootana), and to arrange for renewing its resources at once, *viâ* Tankaria.

5. The copy of the instructions of the Political Commissioner adverted to in your 11th para., has not been forwarded as reported.

6. My letter, No. 328, dated 29th ultimo, will have conveyed to you his Excellency's instructions regarding the wing 7th N. I. being sent to Bombay on the conclusion of the service for which it was granted, and the 51st company to Kurrachee. These moves are essentially necessary.

7. The Commander in Chief has received no notice from Government of their having instructed you to send the wing 89th to Deesa, as reported in your letter, No. 176, and as it has been already arranged with the Right honourable the Governor in Council that seven companies, or at least a wing of European infantry, should be at Ahmedabad, and at least one company of infantry, with the X battery of Royal Artillery, at Baroda, and the 2d company, 11th battalion Royal Artillery, with a company of European infantry at Surat, his

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* Four guns, Lieutenant Conybeare's battery, mule draught.
Head-quarters, Her Majesty's 89th Regiment, strength 200 rank and file.
50 rank and file 2d Grenadiers Native Infantry.
100 sabres, Guzerat Horse.

his Excellency concludes that the withdrawal of the wing 89th, will necessitate the 4th being quartered entire at Ahmedabad, a company 92d at Baroda, and a company of the same regiment at Surat.

8. This would give one company 92d to return to Bombay, if not required for Ahmedabad.

9. The details, 95th foot, referred to in my letter No. 328, will be sent to join that regiment in Central India *viâ* Mhow, as information has just been received that General Roberts has dispatched it to join Sir Hugh Rose's force.

I have, &c.
(signed) *R. Phayre*, Lieutenant Colonel,
Quartermaster General.

No. 1454, Secret Department, Bombay.

From the Adjutant General of the Army to the Secretary to Government.

Adjutant General's Office, Head Quarters,
Poona, 14 June 1858.

Sir,

I HAVE the honour, by desire of the Commander in Chief, to forward to you the accompanying letter, No. 134, dated the 5th instant, from Brigadier General Sir Richmond Shakespear, Knight, commanding Northern Division Army, with annexments, which I am to request you will be good enough to submit for the information of the Right honourable the Governor in Council.

I have, &c.
(signed) *E. Green*, Colonel,
Adjutant General of the Army.

No. 134 of 1858.

From the Brigadier General Commanding Northern Division Army to the Adjutant General of the Army, Mahableshwar.

Head Quarters, Northern Division Army,
Camp near Baroda, 5 June 1858.

Sir,

I BEG you will lay before his Excellency the Commander in Chief the accompanying report by Major Grimes of his operations against the koolies of a village named Dubbora, belonging to the Guicowar.

2. These men, when called on to surrender their arms, quitted their village, and having taken up strong positions in the hills, sent a threatening letter to the Political Agent, Major Whitelock.

3. A Guicowar's horseman proceeding on service with a note, was shot by these koolies, and it became absolutely necessary to attack them.

4. Major Grimes' report will show how strong was the country and how gallantly all obstacles were overcome by the officers and men.

5. Dubbora is a notoriously turbulent village, and the severe punishment inflicted on its inhabitants when sheltered in these mountain fastnesses, will have an immense effect throughout the country.

6. I beg to be allowed to bring to the favourable notice of his Excellency the valuable service performed on this occasion by Major Grimes and the officers and men under his command.

I have, &c.
(signed) *R. Shakespear*, Brigadier General,
Commanding Northern Division Army.

From Major *Grimes*, Commanding Mahee Kānta Field Force, to the Assistant Adjutant General, Northern Division of the Army, dated Camp, Dubbora, 1 June 1858.

Sir,

I HAVE the honour to report, for the information of the Brigadier General commanding the division, that about mid-day on the 28th ultimo, at Edur (where I had proceeded at the request of Major Whitelock to confer with him on our future operations, having left the two columns under my command at Walassna and Kheraloo), I was informed by that officer

officer that the inhabitants of Dubbora were in rebellion, and it was necessary for me to proceed against them. I immediately sent orders to both columns to march on this place that night so as to arrive here at daylight, in hopes by this sudden move to have been in time to prevent them taking to the jungle and hills. I joined the head quarter column that evening, and reached this place at daylight on the morning of the 29th, having been joined by the Kheraloo column on the march, and found the town completely deserted; but Lieutenant Le Geyt reported that the koolies were posted in the jungles at the foot of the Gurringa Hills, about two miles to the right of my position, and had fired on his party, whom I had detached to reconnoitre. A similar party of the Guzerat horse had gone round to the left under Captain Anderson, 11th Regiment, who kindly volunteered his services, and which were placed at my disposal by Major Whitelock. The day being by this time advanced, and the men fatigued by a long march, I did not deem it expedient, with the little information I had as to their whereabouts, to attempt to enter the jungle and hills at that time, and therefore encamped for the day, during which I got all the information I could regarding the hills and the probable place the koolies would locate themselves in; it was supposed that they would go into these strongholds of Taringa, a fortified position on the top of the hills, and about four miles from my camp, and having during the evening examined the nature of the hills and jungle in company with Major Whitelock as far as practicable, and during which we came on the body of one of his sowars, whom he had despatched in the morning with a note to the Tymba Chief, and who had been cruelly murdered by the koolies; this determined me to attack them the following morning. I accordingly started at half-past four a.m. on the 30th with my whole force, excepting double guards left for the protection of the camp, and advanced through the jungles towards the hills, with four companies 2d Grenadiers, under Lieutenants Law and Macdonnell, in skirmishing order, finding on this side that the jungles were clear of the rebels, though we came to a large encampment lately vacated by them. The four companies under Lieutenant Law advanced over the hill; I ordered Captain Conybeare's battery and one company 2d Grenadiers to return to camp, and proceeded myself with the mountain train, the company of Her Majesty's 89th Regiment, and three companies 2d Grenadiers round the left of the hills, and advanced up the direct road to the Dubborah gate of the Taringa strongholds, and here detached Lieutenant Bell to skirmish to the left with two companies. The road soon became so steep, that I had to leave our horses and the mountain train under the protection of a portion of Her Majesty's 89th Regiment and a company 2d Grenadiers. I pushed up the hill, hearing Lieutenants Law and Macdonnell's parties engaged on my right front. On reaching the top of the first range I met Lieutenant Law, and found the koolies had been surprised, and were strongly posted in a deep ravine, underneath and to the left of the Dubborah gate of Taringa, which was now plainly visible, and within range of our rifles, and the road up to it being in many parts completely commanded by us. The retreat of the main body of them into it was cut off, though the gateway was still held by some of them; Lieutenant Bell's party came upon them from the west, and the only retreat for them was round a large and almost inaccessible hill, and here it was the greatest loss was inflicted on them. The three parties under Lieutenants Law, Macdonnell, and Bell, followed them up closely, over immensely difficult ground, and under a very heavy fire, and through a dense jungle, in a manner that excited the admiration of myself and Major Whitelock, who accompanied me through the whole of the operations, and to whom I am much indebted for the assistance and information which from his local knowledge of the place and his position he was enabled to afford me. At this time, finding the day fast advancing, and that some hours would be required to get up the mountain mortars to shell Taringa, and as there did not appear to be any great number of the enemy in it, I advanced on the gateway with a section of the company of Her Majesty's 89th Regiment, and a few Grenadiers I had with me; the Enfield rifles having cleared the gateway, as the first shot from them brought down a man standing sentry on the top of it, at a distance of about 800 yards, which must have astonished them, and made them shy of letting us too near them; we reached the gate in about 20 minutes, and took possession of it, but finding the interior of the fort was still occupied by a party of koolies, we held that until we were joined by a company of the Grenadiers which I had sent for, and on their arrival Major Whitelock and myself advanced through the stronghold, driving the koolies before us, until we arrived at the famous temples of Taringa, the head quarters of the fort. The day was now far advanced, and the heat very great, and the men done up, and to pursue was impossible. I had previously desired Lieutenants Law and Macdonnell to return, and therefore sounded the assembly, and returned to camp, having, I hope, taught the koolies a lesson, and proved to them that they are not safe from us even in their wildest fastnesses; and we effected this with only two rank and file 2d Grenadiers severely wounded, and one Guzerat irregular horseman slightly; whereas the loss inflicted on the enemy could not, I think, from the reports of the officers in command, have been less than 80 killed and wounded, and of them 25 or 30 were certainly killed, 10 were taken prisoners, two of them wounded, and are now in my camp, but will be sent to Major Whitelock in a day or two. I beg to annex the reports of the officers in separate commands, for after we were once in the hills, communication of orders was impossible, and each officer was left to himself in a great measure, and I have great gratification in reporting my entire approval of the manner in which they carried out my plans. Nothing could have exceeded the zeal and courage of all ranks; and their steadiness under fire, and noble exertions over almost inaccessible country, deserve my warmest thanks.

I beg you will do me the favour to bring prominently to the notice of the Brigadier

General

General the names of Lieutenants Law, Macdonnell, and Bell, of the 2d Grenadiers, to whose exertions I am in a great measure indebted for the success that has attended us.

My staff officer, Lieutenant Browning, Her Majesty's 89th Regiment, was a great assistance to me, and my thanks are also due to assistant surgeon M'Allister for the prompt assistance he rendered, and the arrangements he made in his department in every way.

The casualty roll is herewith enclosed.

By desire of Major Whitelock, I have destroyed the town of Dubborah, and propose marching on Oondinee to-morrow morning, unless I get further information where the koolies have gone to; they have, I believe, left the Gurringha hills entirely, and gone to the north-east, but it is very difficult to get any information regarding them.

I have, &c.
(signed) *G. R. Grimes*, Major,
Commanding Mahee Kanta Field Force.

No. 53 of 1858.

From Lieutenant *S. C. Law*, Commanding Head Quarters, 2d Grenadier Regiment Native Infantry, to the Brigade Major, Mahee Kanta Field Force.

Sir, Camp, Dubbora, 31 May 1858.

I have the honour to submit the following report for the information of the officer commanding the field force.

2. On the arrival yesterday morning of the force at the edge of the jungle round the "Taringa" hills, I received the instructions of the Commanding Officer to extend two companies in skirmishing order; to support them with two companies, and leaving the remainder of the regiment under Lieutenants Bell and Bloir as a guard to the guns, to take the jungle and hills which lay before us; I requested Lieutenant Macdonnell, the Adjutant, to lead the right skirmishers, taking the left myself, there being no other European officers present. We advanced through dense jungle, and after crossing the first and lowest of the ranges of hills called the "Talinga," we were fired on by the enemy; we still advanced, driving them before us, and firing with good effect whenever a man showed himself. I learnt from the smart firing on my right, that Lieutenant Macdonnell was also engaged and advancing. On our progress we passed two or three deserted camps of the Bheels, the cattle wandering about, clothes, food, cooking pots, hookahs, &c. strewed on the ground, showing how they had been taken by surprise; my left was here prolonged by a company of skirmishers under Lieutenant Bell.

3. The jungle was so dense, and the ground so broken, that it was oftentimes impossible to see more than 10 or 12 of the men at a time, and some men of the supports being too eager to get forward, became mixed up with the skirmishers in front. At the second range of hills the fire became hotter, and where I lost private "Synac Luknac," No. 5 company, shot through the chest; still advancing, we took a very steep hill, on which the retiring enemy kept up a smart fire, by which an excellent non-commissioned officer, Naik "Kurrun Sing," was shot through the body. Advancing from this position, we climbed the highest and steepest hill in the range, the ascent of which was extremely difficult, and could not have been accomplished but for the mutual aid which officers and men gave each other; on the summit I found Lieutenant Macdonnell and his skirmishers, and we observed together the enemy in flight far away, and down the hill.

4. Our men being now thoroughly tired and blown by the steep ascent, and there remaining no chance of coming up with the Bheels, we retraced our steps.

5. The whole position chosen by these Bheels was immensely strong, and if held by men capable of offering an organised resistance, such a weak force as ours could not have advanced 500 yards, our whole line of skirmishers not numbering 150 men.

6. Once in the dense jungle, each officer was obliged to act somewhat independently, as sometimes a thick jungle, and at others a precipitous hill separated his men from those on his right or left, and I therefore beg to forward for the Commanding Officer's information, the reports of Lieutenants Macdonnell and Bell; the former places the loss of the enemy at 20, Mr. Bell reports 12, and in my immediate front perhaps 8 or 10 fell, making their total loss at about 60 killed and wounded by the line of skirmishers, but accuracy on this point and on such ground is impossible; three prisoners, of whom one was wounded, were brought in by Lieutenant Bell; on our side, a naik and a private are I fear mortally wounded; these were of my party, but I am happy to have to report no casualties among the skirmishers on my right and left, on whom a sharp fire was kept, and the ground they advanced on well contested from every favourable spot, and these were not few.

7. I trust that I may not be considered presuming (commanding the regiment as I did under fortuitous circumstances only) in wishing to bring to notice the admirable manner in which Lieutenant Macdonnell led his men; so quickly and steadily as to press close on the heels of the retreating Bheels, four of whom during this advance fell to his own rifle, and a fifth subsequently. Mr. Bell too was ever to the front leading and encouraging his men;

to the capital leading of these officers may be attributed the really excellent conduct of the men; these were cool and eager, and managed to climb over places and push through jungle, which under other circumstances, and to men less willing, might be called inaccessible.

8. Lieutenants Macdonnell and Bell particularise jemadars Nagoo Chowhan and Pahorsing. I also noticed the good behaviour of these two native officers, and would add for the notice of the Commanding Officer, the names of "Soobadar, Sirdar Bahadoor Gunoo Sing," jemadar "Nowmaitor" and havildar "Prearee Lall," as setting examples of coolness and zeal.

I have, &c.
(signed) *S. C. Law*,
Lieutenant Commanding Head Quarters,
2d Grenadier Regiment, Native Infantry.

From Captain *Anderson*, 11th Regiment Native Infantry, to the Major of Brigade, Mahee Kanta Field Force.

Sir, Camp at Dubbora, 30 May 1858.

I HAVE the honour to report for the information of Major Grimes, commanding Field Force, that agreeably to his orders I marched shortly after daylight with the squadron of the Guzerat Irregular Horse under my command, and took up a position clear of the jungle, to the west of the Gurringa hills, with a small hill in my rear, from which I obtained a view of the country round.

Shortly after the firing commenced I saw a horseman accompanied by a man on foot making for the hill when the firing was going on; I sent a jemadar and ten sowars to intercept them and bring them to me; on seeing the party approaching they tried to make their escape, and succeeded in getting into some thick jungle, and on some of the sowars coming up attacked them; the man on foot was killed, and the other wounded and made prisoner, but not before they had wounded one sowar and one horse. I saw no people from the hills trying to make their escape, and returned to camp with the prisoner at one p. m.

I have, &c.
(signed) *J. W. Anderson*,
Captain, 11th Regiment Native Infantry.

From Lieutenant *Stanley Bell*, 2d Grenadiers, to the Adjutant, 2d Grenadiers.

Sir, Camp, Dubbora, 30 May 1858.

I HAVE the honour to report that according to the orders I received from Major Grimes, I threw out No. 7 Company in skirmishing order, supported by No. 8 Company, and advanced towards the base of the hills on the left of our position. On arriving at these hills, having met with no opposition, I heard heavy firing to my right, and at once ordered the men under my command to skirmish over the hills, so as to gain the centre skirmishers; the ascent was most arduous, and in several places almost impassable, the men being dragged up, one after another. On reaching the top of the hill, the enemy were discovered in a ravine below me, and hastily forming up a few men, advanced to drive them from this position, which was done after a short but determined resistance. The enemy kept up a heavy fire of matchlocks, and from the loudness of the reports, I fancy that they must have had one or two gingalls; every rock and tree was most obstinately defended, but in every case the enemy were utterly routed. I took three prisoners, armed with swords, one of which I could have shot with my revolver, but preferred taking him alive, in hopes of gaining some valuable information from him. At this period I joined the left of the centre skirmishers, under Lieutenant S. C. Law, 2d Grenadiers, and advancing together, we drove the enemy before us; the loss of the men opposed to me must at least have been 10 to 12 killed, and from 20 to 25 wounded, which result was accomplished with no loss on my side; two men were severely contused from falling down rocks. I cannot conclude without bringing to the Commanding Officer's notice, the very gallant way in which the men under my command behaved, and I would particularly mention Subadar Pahar Sing, who joined me with the left of the centre skirmishers.

I have, &c.
(signed) *Stanley Bell*,
Lieutenant, 2d Grenadiers.

From Lieutenant *Le Geyt*, Commanding Detachment Guzerat Irregular Horse, to the Major of Brigade Field Force.

Sir, Dubbora, 1 June 1858.

I HAVE the honour to report, for the information of the officer commanding the Field Force, that in accordance with orders received on the 29th ultimo, I marched from camp with a squadron of the Guzerat Irregular Horse on the 30th at daylight, and took up a position to the south of the Gurringa Hills, on the skirts of the thick jungle which surrounds them.

them. I placed my vedettes, and sent out patrols in the directions I thought it probable the koolees might attempt to escape; but none were seen by us the whole morning, the firing and entire operations of the force being on the other side of the hills. I returned into camp with my men at half-past one p.m.

I have, &c.
(signed) *P. H. Le Geyt*, Lieutenant,
Commanding Detachment G. I. Horse.

From Lieutenant and Adjutant *D. J. Macdonell*, 2d Grenadier Regiment, Native Infantry, to Lieutenant *S. C. Law*, Commanding Head Quarters, 2d Grenadier Regiment, Native Infantry.

Sir, Camp, Dubborah, 30 May 1858.

I HAVE the honour to report, that, agreeably to your instructions, I took command of the right skirmishers (right flank company), supported by No. 1 Company, in the attack made this morning on the insurgent coolies, for the purpose of driving them from their positions in the Gurringa Hills.

2. Shortly after crossing the first range of hills nearest the village of Dubborah, I came in sight of several parties of coolies strongly posted on the further bank of a ravine; these at once opened on us a heavy and well-directed fire, which was returned with effect by the right Grenadier Company.

3. As my skirmishers advanced steadily, the enemy gave way, still keeping up a heavy fire of matchlocks, and obstinately defending every ridge and favourable position.

4. Our advance was continued as long as the men were able to fight their way (about four miles) over most difficult, indeed almost impracticable ranges of hills, and the attack, or rather pursuit, was only discontinued when from fatigue and the nature of the ground we were unable to proceed further.

5. In ground such as we passed over, it was most difficult correctly to estimate the loss of the enemy opposed to me; but from what I saw myself, I am of opinion that it could not have amounted to less than about 20 killed, and a considerable number wounded. I saw at least nine men killed; and from the nature of the ground it was impossible for me to see at many times more than perhaps one-third of my men.

6. I cannot close this report without bringing to the notice of the commanding officer the good conduct of all ranks under my command on this occasion; being mostly young soldiers, their steadiness under the very heavy fire kept up by the enemy was admirable; and it is to this, as well as to the steady manner in which they took advantage of every favourable cover in advancing upon and driving the enemy from their numerous strong positions, that I attribute the impunity with which we inflicted so severe a loss.

7. I would beg to bring prominently to the notice of the commanding officer the conduct of Jemedar Adjutant Nagoo Chowan, who accompanied me on this occasion, and to whose valuable assistance much of our success is due.

I have, &c.
(signed) *D. J. Macdonell*, Lieut. & Adjt.
2d Grenadier Regiment, N. I.

RETURN of the Number Killed and Wounded of the "Mahee Kanta Field Force," in an Engagement with the Enemy at Taringha, on the 30th May 1858.

No.	Rank.	Names.	Corps.	Company.	Killed and Wounded.	REMARKS.
1	Naique -	Kurn Sing - -	2d Grenadier Regiment, Native Infantry.	Grenadier -	Wounded by matchlock.	Most dangerously in the right side of the chest.
2	Private -	Syenae Lucknac -	- ditto -	5th - -	- ditto -	Severely on anterior aspect of left shoulder.
3	Sowar -	Ahmed Khan -	Guzerat Irregular Horse.	9th - -	Wounded by sword cuts.	Severely on the posterior aspect of left shoulder, and on anterior aspect of the corresponding arm, a little space above the elbow joint.

(signed) *James M'Alister*, Staff Surgeon.
G. H. Grimes, Major,
Commanding Field Force.

Camp, Dabada, 31 May 1858.

(No. 1.)

EXTRACT Bombay Political Consultation, 31 December 1858.

No. 3232 of 1858.—Political Department.

No. 6161. From *H. L. Anderson*, Esq., Secretary to Government, Bombay, to Brigadier General Sir *R. Shakespear*, Knt., Political Commissioner in Guzerat.

Sir, 14 December 1858.

WITH reference to your letter of the 9th April last, No. 354, and former and subsequent correspondence relative to the disarming of Guzerat, I am directed by the Right honourable the Governor in Council to forward copy of a Despatch from the Honourable the Court of Directors, dated the 1st September last, No. 29, and to draw your attention to the remarks of the Honourable Court, contained in the 9th paragraph.

2. I am also desired to call your attention to the observations of the Honourable Court, contained in paragraphs 10 to 12, relative to the villages of Oonoria and Dubbora, and to request that you will have the goodness to favour Government with your opinion as to whether it would be proper now to award pecuniary compensation to the villagers for any losses they may have sustained, or inconvenience they may have been obliged to incur.

3. I am further desired to draw your attention to the remarks contained in paragraph 16, and to request that you will favour Government with your opinion with reference to the pecuniary consideration alluded to at its close.

4. A copy of the Despatch will be submitted to the Right honourable the Governor General, and his Lordship's instructions will be awaited with reference to the directions and sentiments of the Honourable Court contained in the 18th paragraph.

I have, &c.
(signed) *H. L. Anderson*,
Secretary to Government.

(No. 2.)

No. 3233 of 1858.—Political Department.

No. 6162. From *H. L. Anderson*, Esq., Secretary to Government, Bombay, to Brigadier General *G. St. P. Lawrence*, Agent Governor General for the States of Rajpootana.

Sir, 14 December 1858.

WITH reference to your letter, No. 436, dated the 7th April last, relative to the disarming of Rajpootana, I am directed by the Right honourable the Governor in Council to forward an extract, paras. 13 and 14, from a Despatch from the Honourable the Court of Directors, dated the 1st September last, No. 29, and to draw your attention to the observations of the Honourable Court therein contained.

I have, &c.
(signed) *H. L. Anderson*,
Secretary to Government.

(No. 3.)

No. 25 of 1858.—Political Department.

From *H. L. Anderson*, Esq., Secretary to Government, Bombay, to *G. F. Edmonstone*, Esq., Secretary to the Government of India, with the Right honourable the Viceroy and Governor General. No. 6163. Office, No. 3234.

Sir, Allahabad, 14 December 1858.

I AM directed by the Right honourable the Governor in Council to forward, for submission to the Right honourable the Viceroy and Governor General of India, copy of a Despatch from the Honourable the Court of Directors, dated the 1st September last, No. 29, relative to the late disarming of the Province of Guzerat, and in soliciting the attention of his Lordship to the remarks of the Honourable Court contained in the latter part of paragraph 18, to intimate that the instructions of his Lordship will be awaited by this Government.

2. With reference to the former part of the 18th para., in which the Honourable Court desire this Government to communicate to his Highness the Gaekwar, the warm appreciation of the friendship and fidelity he has evinced during the late unparalleled crisis, I am directed to state, that as Baroda is under the Government of India, his Lordship's instructions will be awaited as to whether his Highness shall be addressed by this Government.

3. A copy of the Despatch will be forwarded to Sir R. Shakespear, Political Commissioner in Guzerat, and the attention of that officer will be drawn to the remarks of the Honourable Court contained in the 9th paragraph.

4. The attention of the Political Commissioner will also be called to the observations in paras. 10 to 12, relative to the villages of Oonoria and Dubbora, with a request that he will favour this Government with his opinion as to whether it would be proper now to award pecuniary compensation to the villagers for any losses they may have sustained, or inconvenience they may have been obliged to incur.

5. The Political Commissioner will also be requested to submit his opinion with reference to the question of the grant of a pecuniary consideration, alluded to at the close of the 16th para.

6. An extract, paras. 13 and 14, will be forwarded to Brigadier General Lawrence, the Governor General's agent in Rajpootana, and that officer's attention will be drawn to the remarks of the Honourable Court therein contained.

I have, &c.
(signed) *H. L. Anderson,*
Secretary to Government.

(No. 4.)

No. 1687 of 1858.—Secret Department.

From Brigadier General Sir *R. Shakespear*, Political Commissioner in Guzèrat, to *H. L. Anderson*, Esq., Secretary to Government, Bombay. No. 123.

Sir, Baroda, 17 December 1858.

I HAVE the honour to acknowledge the receipt of your letter, No. 3232, of date 14th instant, forwarding a Despatch of the Honourable Court of Directors, of date 1st September last, No. 29, from which I learn with much concern, that the measure of disarming Guzerat, which was deliberately and formally ordered to be carried out by the Bombay Government on the 17th February last, and every stage in the execution of which has met with the approval of that Government, is disapproved of by the home authorities.

2. The returns from the districts, and replies to questions put by me, did not reach before the outbreak, and since then the invasion of Tantia Topee has occupied

occupied every moment, and I am now expecting a second invasion. I will, as soon as possible, prepare a detailed report; but I beg most strongly to urge that this is no time for disturbing the minds of the people by any measure that would imply a difference of opinion on the part of their rulers.

3. I assure the authorities that the two Gaekwar villages, Oonaria and Dubbora, are quite unworthy of their sympathy. They are the worst of the turbulent Gaekwar villages, and their punishment has been a great good to the public generally, and particularly agreeable to their own ruler, whose authority they had previously constantly and openly defied.

4. The table in the margin * shows the amount of arms surrendered; and when it is remembered that the only instances where coercion was used, are the two villages above referred to, I hope it will be allowed that if disarming was to be carried out, it has not been mismanaged.

5. Still I feel fully the force of the Honourable Court's arguments, and when times are quieter, I think we might, by pecuniary compensations and other means, take steps to remove the dissatisfaction with which the measure of disarming must always be accompanied.

6. The authorities in England will find sooner or later that they will be compelled to disarm in India, just as they were in former years compelled to disarm in the highlands of Scotland.

7. The tone of the Despatch fixes on me personally the odium of the measure. I beg that copies of the three notes entered in the margin,† and herewith enclosed in original, may be forwarded by the next mail. They show the feelings and opinions of the magistrates of Surat, Broach, and Ahmedabad at the time.

† 1. From Mr. Inverarity, of date 19 February.
2. From Mr. Tucker, of date 18 February 1858.
3. From Mr. Hadow, of date 3 March 1858.

The 1st calls the measure "most wise."

The 1st and 2d both remonstrate at limitations put by me. The 3d says "that the measure has been carried out as completely as possible, and really without producing any visible excitement."

8. At the time the Supreme Government complimented me for undertaking the duty. The Bombay Government has repeatedly honoured me with its praise for the successful operations. The labour and responsibility were very great, and it certainly is very disheartening to be censured by the home authorities.

9. There has not been one gang highway robbery reported in the Gaekwar's dominions since I have been Resident at this Court (May 1857). The koolies of Kaira had the audacity to conspire to attack the Residency treasure last year, but their tone is very different now. I have received to-day a note from Mr. Ashburner, Assistant Magistrate, saying that, but for the disarming, the koolies of Kaira would all have been up when Tantia Topee, on the 5th instant, advanced on Godra, whereas not one disturbance occurred.

I have, &c.
(signed) *R. Shakespear*,
Brigadier General, Political Commissioner in Guzerat.

* NAMES OF DISTRICTS.	Number of Villages.	NUMBER OF ARMS SURRENDERED.				
		Cannon.	Fire-arms.	Swords.	Other Weapons.	TOTAL.
1. Surat	803	- -	3,741	5,505	10,616	19,862
2. Broach	410	44	2,719	15,110	7,937	25,810
3. Kaira	568	15	3,113	27,569	49,155	79,852
4. Ahmedabad	416	- -	2,966	16,480	57,583	77,029
5. Gaekwar's Possessions	2,011	36	4,727	31,883	91,316	127,962
6. Rewa Kanta and Panjmahal	3,120	63	2,558	15,541	66,808	84,970
7. Mhye Kanta	588	2	778	2,553	17,647	20,975
8. Cambay	66	- -	439	4,158	5,810	10,407
TOTAL	7,972	160	21,036	118,799	306,872	446,867

My dear Sir, Surat, 19 February 1858.

I CAME in here this morning, and adopted measures at once for carrying the disarming into effect. Your proclamation has just arrived, and will be published before evening. I am fortunate in having some good men to work with, and expect to have the work over by Monday or Tuesday at the latest. I mean to go the full length that the proclamation allows, and leave very few arms with anybody. While the work is being done, it is well to do it once and for all, and thoroughly. We will not have a like opportunity again; and while the measure will ruffle the surface of native society more or less, it is of little consequence if the wedge goes a little deeper than those concerned just like. Moreover, I look upon the measure beyond its mere effect as a repressing agent in rebellion, and take it in the vast security it will afford the well-disposed all over the country, and as a diminishing agent as regards crime generally. I fully believe that the statistics of crime hereafter will show a wonderful difference for the better, in consequence of this most wise measure. Simultaneously with Surat city, the town of Randier, opposite, will be disarmed, and I shall then proceed with the pergunnahs. I do not expect any difficulty after the city has been completed, and will therefore then direct the battery and 4th to proceed on to their destination. I shall include in the measure all daggers, spears, &c., and intend only at present to exempt the following parties in the city:—

1. The moollah of the Borahs.
2. My trusty friend Syud Heidroos, the high priest of the Mahommedans.
3. The late Nawab's family.
4. Meer Jaffer Ali.
5. The Bukshee Saheb.
6. Gopal Rao Miral, the Gaekwar's agent here.

If you coincide in the broad view I take of the measure, and of the extent to which it should be carried out, I hope you will issue orders for a like course being observed all over Guzerat, and in the Gaekwar's territory too; no swords or lethal weapons of any kind should be left with the people. They are perfect masters of such instruments, and do more general harm with them than with firearms only.

The manufacture of gunpowder has been for some time prohibited here, and it is only sold for sporting purposes in two Parsee shops, and under surveillance. Sulphur and lead in the same way.

As long as you do not hear from me, you may understand that all is going on well, and I will telegraph as well as write as soon as the city is done. In the meantime, I hope you will rest assured of my most cordial assistance in this and every other measure which you may originate, and,

Believe me, &c.
(signed) *G. Inverarity.*

My dear Sir Richmond, Broach, Thursday, 18 February.

I ENCLOSE a letter from Buckle, from whom you will have heard direct. All seems going on as well with him as here, where the spirit of the people is excellent. A great quantity of unregistered arms were thrown into the river on the news of my having punished the man in whose possession some were found, and on the next morning our blacksmith alone broke up no less than 50 swords at the request of the owners. I have not at present taken the arms of any Government servants, in accordance with your instructions, but I shall hereafter go carefully through the list, and cause all superfluous weapons in their possession to be surrendered. We have always a hold on them, and it can be done at any time. It would be desirable eventually, perhaps, that, as suggested by Buckle, no Government servants even should have private arms, but that all should have Government arms of a uniform pattern; but as we are not prepared yet to introduce this change, I think we had better leave them a fair proportion of their own arms, a list of them being of course kept. What do you think of Buckle's proposal to disarm the other nine villages he mentions? If you sanction it, I propose to send him off at once the papers and registers, as I quite agree in its advisability. You will not concur, I fear, in his wish to make the disarming universal, for the reasons you gave me at Baroda, viz., that the Gaekwar's government will not go so far, and that no distinction is thereby drawn between the villages which have been openly disaffected and those who have kept quiet. There is force in these objections, but I own I am sorry that we are not to go the entire animal. We shall, I believe, complete Broach to-day, and I think everybody is surrendering that has anything. I have got quite a room-full already, and the collection is, as you may suppose, very miscellaneous. The troop of Guzerat Horse arrived yesterday, and the five state prisoners have been lodged in gaol till I can arrange to send them all to Surat under escort. I shall be able to return you half the troop after disarming Seetpoor and Tunkaria; the other half I shall send to escort the arms to Surat. The total of arms surrendered in Broach exceeds the number registered, which includes a great many arms belonging to Government servants. I will see about the fire-arms shortly.

Believe me, &c.
(signed) *H. P. St. G. Tucker.*

My dear Sir Richmond Shakespear, Ahmedabad, 15 February 1858.

I have delayed replying to your letter of the 7th instant, as I wished first to consult Major Agar, superintendent of police, an officer of great experience in this part of Guzerat, and better able, from his intimate knowledge of the habits and feelings of the "Mehwass" classes, acquired during a long residence in this collectorate, and a course of 18 years' connexion with the Koolie police, than I am to judge to what extent the measure might be pressed at this time without causing a commotion, or any great excitement in the country.

You are, doubtless, aware that we have for some months past been seizing arms on the authority of a letter from Government, dated 2d August last, when found in the possession of dangerous and doubtful characters, subjects of our own Government as well as foreigners. This system will of course be pursued with increased stringency, pending the final orders, and we trust it will be found to have paved the way for the introduction of the general measure, when this can be done simultaneously throughout Guzerat, British and foreign, in the border district of Katteewar and Gohilwar, and in the Cambay territory.

Meantime chiefs and other persons of note, rank, and known respectability, might at once be granted permits for themselves and a few followers, according to their requirements, after registering.

The manufacture of arms and gunpowder has also been stopped, or strictly watched, for some time in this zillah; also repairs to arms and the sale of sulphur, &c., without special permission, except as regards the latter, small quantities applied for for medicinal purposes.

Unfortunately the effect of the prohibition is not such as it ought to be, owing to the manufacture, particularly of arms, going on as briskly as ever in foreign States, adjacent to our districts; for instance, at Peitapoor, in the Mahee Kanta, a large town 15 miles north of Ahmedabad, matchlocks and arms of all kinds continue to be manufactured and sold there, and also exported to a greater extent than ever, owing of course to the prohibition here, which makes the trade there a monopoly.

As regards the registry of arms, I would beg leave to refer to my letters to General Roberts, which I presume you have received; you will see that in consequence of what Major Agar had urged in his letter, I deferred issuing the order I had prepared about the registry. I conclude General Roberts reported on the subject of the introduction of the Act into this zillah, in his reply to the Government reference asking his opinion, but I am not aware whether he received any final instructions; I presume not, or I should have received copy of the letter.

I am still prepared to issue the order, and have it carried out, if you consider it likely to be attended with any good result. I am disposed to question its utility, as arms would be concealed or removed for the time as soon as the order became generally known; and our establishments are so weak, that the subordinates engaged in the work could not be properly supervised.

As regards disarming, Major Agar and I are of opinion that the Act cannot be put in force at all in this zillah, unless a similar measure be adopted in the following districts and territories bordering on and immediately adjacent to portions of this collectorate:

1. His Highness the Gaekwar's pergunnas, and Dehgaum, Beejapoor, Kunee, and Puttun.
2. The territories of the chiefs of the Mahee Kanta agency.
3. Balasinore, under the Rewa Kanta agency.
4. The whole of Katteewar, or at all events the districts of Jhalawar, Gohilwar, and the northern half of Katteewar proper.
5. The district of Cambay.

If it could be arranged to extend the measure in its entirety to the above-mentioned districts, and we could depend on the co-operation of the chiefs of Simree, Wudwan, and Bhownuggur, and Katteewar, the Moolukgheree portion, and the authorities of the villages of other smaller chiefs, little or no difficulty need be anticipated in enforcing the provisions of the Act; commencing first to register, and from the register determining who should be disarmed, and to whom permits might be granted.

For every permit granted, it would not be a bad plan to levy a small tax, to be appropriated to municipal purposes; all arms for which permits are granted bearing some distinguishing mark or number, according to the register, stamped on the blade: once tax a fashionable article, it becomes unfashionable, as Major Agar justly observes.

As to whether we might be opposed, and, if so, the extent of such opposition, both would depend on the way the measure was carried out, and our strength to put down effectually at once any attempt at resistance; with only half a European regiment here, and more than half of the Guzerat Irregular Horse detached on field service, I have no hesitation in saying that we should find it not an easy matter to put down an extensively combined opposition; General Roberts was, if I remember rightly, of this opinion, and considered it would be better to wait for more European troops.

The state of things is very different in this part of Guzerat to what it is in the Southern Muratha Country, and those parts of the Deccan with which I am acquainted. In the Southern Muratha Country there are the Shetsundees, a sort of village militia, who hold service fields, and since the country came into our possession have been employed on police and civil duties, and have been on more than one occasion called out to serve as militia.

The

The number in each village is well known; and they are under direct control; properly treated and managed, a finer set of men could not be met with. I know them well. Besides these, there are very few armed men to be met with. In the border districts of Kolhapoor, Satara, and the Putwurdhun Jagheers, the case is different, and so it is in the Nizam's Districts; but even in Belgaum and Dharwar there has been opposition, and a force has had to be employed in support of the civil authority in some parts.

As regards the posts of regulars, you will find that five have already been withdrawn this year, in addition to the Huzoor treasury and gaol guards; the latter were withdrawn when our troops were sent to Persia, the emergency being such as to render the measure necessary; the five posts since withdrawn are—Jinjoowara, Patree, Rozeedhur, furnished from Rajcote; Moolderye, furnished from Rajcote; Sanglee, furnished from Rajcote.

A few men might be spared from Jeytalpoor and a few from Gogo, but not at present from any of the others.

Very sincerely yours,
(signed) *J. W. Hadow.*

(No. 5.)

RESOLUTION by the Honourable Board, dated 30 December 1858.

Resolved, That a copy of this letter be forwarded to Her Majesty's Secretary of State for India, with reference to the Despatch from the Honourable Court of the 1st September, No. 29, of 1858, with an intimation of the opinion of this Government that the disarming of a large portion of Guzerat was a measure which well deserved experiment, and which, so far as it has proceeded, has been attended with success. No. 124.

The Right honourable the Governor in Council is hopeful that the crime returns of Guzerat will soon afford the best proof that the measure has been a wise one. It appears to the Right honourable the Governor in Council that it is good policy not to abstain from disarming greater part of Guzerat because the measure would be dangerous in some districts, but rather by commencing the work, to accustom the body of the people to the change, and gradually to render the task less difficult in the more remote and turbulent districts. Under any circumstances the Right honourable the Governor in Council must state that no blame can attach to the Political Commissioner, as the measure was carried by him in our own districts under the orders of this Government, and in the Gaekwar's with its complete concurrence; and his Lordship in Council would also submit that Sir R. Shakespear in his arrangements displayed an energy and a tact which did more than anything else to secure success, which are worthy of his warmest commendation.

(signed) *Elphinstone.*
A. Malet.
H. W. Reeves.

(No. 6.)

No. 60 of 1859.—Political Department.

From *H. L. Anderson*, Esq., Secretary to Government, Bombay, to Brigadier General Sir *R. Shakespear*, Knt., Political Commissioner in Guzerat. No. 125.

Sir, 5 January 1859.

I AM directed by the Right honourable the Governor in Council to acknowledge the receipt of your letter, No. 1687, dated the 17th December last, relative to the disarming of Guzerat.

2. In reply, I am desired to enclose for your information copy of a resolution passed by Government, under date the 30th December last, and to state that a copy of your letter will be forwarded by the next overland mail to Her Majesty's Secretary of State for India, and the sentiments contained in the resolution will at the same time be communicated to his Lordship.

I have, &c.,
(signed) *H. L. Anderson*,
Secretary to Government.

EXTRACT Political Letter from the Governor in Council, Bombay, to the Secretary of State for India, dated 24 February (No. 27) 1859.

2. WE have now the honour, with reference to the 13th and 14th paras. of the late Honourable Court's Despatch, No. 29, dated the 1st September 1858, to transmit to your Lordship copy of a letter from Brigadier General Lawrence, the Governor-General's agent for Rajpootana, dated the 17th January last, in which that officer states that he never proposed carrying the measure of disarming into Rajpootana proper, or of exhorting the Maharaja of Joudhpoor to disarm the people in the territories under his rule.

3. A copy of Brigadier General Lawrence's letter, dated the 5th July 1858, and referred to in the 3d para. of that officer's communication of the 17th January last, is enclosed, together with transcripts of the correspondence which accompanied it.

No. 62 of 1859.

No. 671. From Brigadier General *G. St. P. Lawrence*, Agent Governor General for the States of Rajpootana, to *H. L. Anderson*, Esq., Secretary to the Government of Bombay.

Sir, Camp, Ajmere, 17 January 1859.

I HAVE the honour, in reply to your letter, No. 3233, of the 14th ultimo, with enclosed extract of the Honourable Court's Despatch, to request that you will obtain the Right honourable the Governor's sanction to furnishing me with a copy of my letter, No. 436, of the 7th April last, as I cannot find it in this office.

2. My astonishment was great on reading the Court's Despatch, for I have no recollection whatever, of proposing to carry the disarming measure into Rajpootana Proper, nor of exhorting the Maha Raja of Jhodepore to disarm the people in the territories under his rule, though I certainly directed the Officiating Political Agent to favour me, as speedily as possible, with his opinions on the practicability of obtaining the co-operation of the Princes of Marwar and Serohee to the disarming the population of those States, should the extension of such a scheme be deemed advisable. Had I had any such intention, it would not have been confined to "Marwar" and "Serohee."

3. That I had no such intention was made known to the Bombay Government by my letter, No. 727, of the 5th July last, forwarding copy of correspondence on the subject with the Political Agent, Meywar, and translation of my circular note to the vukeels in attendance on this agency, in which I informed them "that the reports that the British Government intended to disarm Rajpootana were entirely false, and that no such intention existed."

No. 726/96. 4. Copy of my letter,* of the same date, to the Government of India on this subject is annexed, and I request the favour of the Bombay Government sending the whole correspondence to the Home Government, in order that I may be cleared from so undeserved and insane an imputation as having ever thought of disarming the Rajpoot States.

I have, &c.
(signed) *G. St. P. Lawrence*,
Agent Governor General.

Enclosure to No. 62 of 1859.

No. 726/96 of 1858.

From Brigadier General *G. St. P. Lawrence*, Governor General's Agent, Rajpootana States, to *G. F. Edmonstone*, Esq., Secretary to the Government of India.

Sir, Mount Aboo, 5 July 1858.

FOR the information of the Right honourable the Governor General, I have the honour to forward the correspondence marginally noted,* with the Officiating Political Agent, Meywar,

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* From Officiating Political Agent, Meywar, No. 170, dated 21st June 1858, with Enclosures, to ditto. ditto, No. 701, dated 28th June 1858, with translation of a circular note to Political Agents and Vakeels of native states.

EEDINGS

ON THE

TRIAL

OF

MUHAMMAD BAHADUR SHAH,

TITULAR KING OF DELHI,

BEFORE A

Military Commission,

UPON A CHARGE OF

REBELLION, TREASON AND MURDER.

HELD AT DELHI

On the 27th day of January 1858 and following days.

CALCUTTA:
JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

1858.

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TRIAL

OF

MUHAMMAD BAHADUR SHAH,

EX-KING OF DELHI.

PROCEEDINGS of an European Military Commission assembled at Delhi, on the 27th day of January 1858, by order of Major-General Penny, C. B., Commanding the Division, pursuant to instructions from Sir John Lawrence, Chief Commissioner of the Panjab, for the trial of such Prisoners as may be duly brought before it.

PRESIDENT.

Lieutenant-Colonel Dawes, Artillery.

MEMBERS.

Major Palmer, H. M.'s 60th Regiment.
Major Redmond, H. M.'s 61st Regiment.
Major Sawyers, H. M.'s 6th Carabineers.
Captain Rothney, 4th Seikh Infantry.

INTERPRETER.

Mr. James Murphy.

PROSECUTOR FOR GOVERNMENT.

Major F. J. Harriott, Deputy Judge Advocate General.

FIRST DAY'S PROCEEDINGS.

The Court assembled in the Special Hall of Audience in the Palace at Delhi, at 11 o'Clock, on the morning of the 27th of January 1858.

The President, Members, Interpreter, and Deputy Judge Advocate General are all present.

The Prisoner, Muhammad Bahadur Shah, Ex-King of Delhi, is brought into Court.

The Orders convening and forming the Court, and appointing Lieutenant-Colonel Dawes, Artillery, President, are produced and read.

The names of the Officers appointed to serve on the Court are read in the hearing of the Prisoner.

INVITATION OF CHALLENGE.

Question by Court.—Prisoner, do you object to being tried by the President, or any of the Officers appointed to sit on this Military Commission?

Answer.—No.

The President, Members, Interpreter, and Deputy Judge Advocate General are duly sworn.

All witnesses are directed to withdraw.

The Charges are read and entered as follows:—

CHARGES.

1st.—For that he, being a Pensioner of the British Government in India, did, at Delhi, at various times between the 10th of May and 1st of October 1857, encourage, aid and abet, Muhammad Bakht Khan, Subadar of the Regiment of Artillery, and divers others, Native Commissioned Officers and Soldiers unknown, of the East India Company's Army, in the crimes of Mutiny and Rebellion against the State.

2nd.—For having at Delhi, at various times between the 10th of May and 1st of October 1857, encouraged, aided and abetted Mirza Moghal, his own son, a subject of the British Government in India, and others unknown, inhabitants of Delhi, and of the North-West Provinces of India, also subjects of the said British Government, to rebel and wage war against the State.

3rd.—For that he, being a subject of the British Government in India, and not regarding the duty of his allegiance, did, at Delhi, on the 11th May 1857, or thereabouts, as a false traitor against the State, proclaim and declare himself the reigning King and Sovereign of India, and did then and there traitorously seize and take unlawful possession of the City of Delhi, and did moreover, at various times between the 10th of May and 1st of October 1857, as such false traitor aforesaid, treasonably conspire, consult, and agree with Mirza Moghal, his own son, and with Muhammad Bakht Khan, Subadar of the Regiment of Artillery, and divers other false traitors unknown, to raise, levy, and make insurrection, rebellion, and war, against the State, and further to fulfil and perfect his treasonable design of overthrowing and destroying the British Government in India, did assemble armed forces at Delhi, and send them forth to fight and wage war against the said British Government.

4th.—For that he, at Delhi, on the 16th of May 1857, or thereabouts, did, within the precincts of the Palace at Delhi, feloniously cause, and become accessory to the murder of 49 persons, chiefly women and children of European and mixed European descent; and did moreover, between the 10th of May and 1st of October 1857, encourage and abet divers Soldiers and others in murdering European Officers, and other English subjects, including women and children, both by giving and promising such murderers service, advancement, and distinctions; and further, that he issued orders to different Native Rulers having local authority in India, to slay and murder Christians and English people, whenever and wherever found on their Territories; the whole or any part of such conduct being an heinous offence under Act XVI. of 1857, of the Legislative Council in India.

FRED. J. HARRIOTT, *Major*,
Deputy Judge Advocate General, &
Government Prosecutor.

DELHI,
January 1858.

Question.—Muhammad Bahadur Shah, are you "Guilty" or "Not Guilty" of the Charges preferred against you?

Answer.—Not Guilty.

All witnesses are directed to withdraw.

PROSECUTION.

Judge Advocate's address to the Court:—

GENTLEMEN,—Before proceeding further in this case, it may be necessary to mention, that evidence will be submitted to you, which may not bear strictly on the Charges that have just been perused. It is deemed that all the circumstances connected with the late Rebellion, even though not in direct relation to the indictment, may be here appropriately recorded; indeed, up to a late date, it had been decided, that as the King's life had been guaranteed, this investigation should not be accompanied by Charges at all, or even assume the form of a trial, but should embrace all such matters as the discovered correspondence, and other reliable sources of information, might indicate.

I know not whether the Court would, under such circumstances, *viz.*, the absence of specific accusation, have been called upon to record an opinion ; but feeling that any investigation in reference to the Prisoner must be more satisfactory if he himself were a party to it, and had the opportunity of refuting by documentary or other testimony, such allegations as might appear to his detriment, I suggested that it would be better to have these in a specific and tangible shape, so that on such points, guilt or innocence might be clearly established. This has been acceded to, and hence the Charges that I have just had the honor of perusing ; but it must be clearly understood, that the scope of the investigation is not in any way confined by the observance of technicalities, such as belong to a more formal and to a regular trial.

The official letter which I addressed to Major-General Penny, C. B., Commanding the Division, on the subject of investigating charges against the Prisoner, having met with his approval, is now laid before the Court for their information.

No. 59.

Delhi, January 5th, 1858.

Sir,—I have the honor to report for your information, that having finished the trial of the Rajah of Ballabhgarh, I am now prepared to enter on such investigation as may be deemed requisite in reference to the complicity of the Ex-King of Delhi in the late Rebellion, &c.

To render such investigation satisfactory, it is in my opinion necessary that it should assume the form of a direct trial, *viz.*, that Charges should be framed, and the Ex-King be called upon to plead to them.

I do not perceive how, under other circumstances, any result can be arrived at as to the Ex-King's guilt or innocence, that will not be open to the objection of being one-sided and unjust.

If a verdict be sought on any points that may come under investigation, it is surely desirable that both sides of the case should be heard and equally considered. Such a verdict, whether one of conviction or acquittal, will have the stamp of authority, and stand a final and decisive record, either in favor of or against the Prisoner. I beg then to suggest that this course be adopted, as the only means of coming to a conclusion satisfactory to the Court, the Prisoner, and the Public. Should I obtain your concurrence for so doing, I will at once draw up charges on which the Ex-King can be arraigned, and proceed on his trial with the forms usual in such cases. Awaiting your instructions,

I have the honor to be,
Sir,
Your most obedient Servant,
Fred. J. Harriott, *Major,*
Deputy Judge Advocate General.

To

Major-General Penny, C. B.,
Commanding Meerut Division, Delhi.

I fully concur in the opinions expressed by the Deputy Judge Advocate General.

N. Penny, *Major-General,*
Commanding Delhi Field Force.

This letter having been forwarded to Mr. Saunders, Officiating Commissioner at Delhi, it was decided that the suggestions in it should be acted on; and the Charges have been framed, and this trial commenced accordingly; but still, that part of the original intention to enter into a full and complete investigation of all points in reference to the Rebellion has not been abandoned, and I have mentioned this circumstance to account for the introduction of matter that might otherwise appear extraneous, and to prepare the Court for the reception of it. Having finished this preliminary statement, I will say a few words on the nature of the pending trial, and the proof likely to be brought in support of the indictment.

The trial, whether it be considered in reference to the once exalted rank of the Prisoner, to the position which his birth and descent still give him in a political point of view, to the magnitude of the crimes imputed to him, or to his connection with events which will for ever remain recorded in the pages of history, must be of no ordinary interest. The trial indeed, will be an unusual one, for, under all circumstances, it will close with the Verdict; but still that Verdict will be looked for by thousands with feelings such as are seldom awakened by the proceedings of a Court of criminal jurisdiction.

The following extracts from a letter No. 19, of the 26th November 1857, addressed by C. B. Saunders, Esquire, Officiating Commissioner at Delhi, to Major-General Penny, C. B., Commanding the Delhi Field Force, will explain the circumstance of the Court being restricted to a Verdict, and that it is owing to Major-General Wilson having guaranteed the Prisoner his life, that sentence, even in case of conviction, has been barred.

The letter of Mr. Saunders is written under instructions from Sir John Lawrence, Chief Commissioner of the Panjab, and the extracts from it are as follows :—

" I have at the same time to inform you that, the life of the Ex-King having been " guaranteed to him by Captain Hodson, acting under instructions from Major-General " Wilson, it will not be in the competency of the Military Commission to pass any " sentence on him, even should a conviction be the result of their enquiries."

" I have the honor to forward such documentary evidence in reference to this " case, as I have been able to obtain, and shall be at all times ready to give you any " assistance in my power in furthering the object in view, by procuring the attendance " of witnesses, &c."

" I have had the Vernacular documents very carefully translated by Mr. James " Murphy, Deputy Collector of Customs at Delhi, who is an excellent linguist, and can, " if you approve, place his services at your disposal for employment as an Interpreter."

The documentary evidence is of great extent, and to render it as intelligible as possible I have arranged it under 5 different heads, *viz.*, 1*st.*—Miscellaneous Papers; 2*nd.*—Those which refer to a Loan; 3*rd.*—Those which refer to the pay of the Soldiery; 4*th.*—Relating to all Military matters; and 5*th.*—Those which relate to murders committed, and which bear special reference to the 4th Charge. A very great number of these documents are supposed to have orders on them written by the Prisoner himself, and evidence to this point will be called; the genuineness of the other papers will be established in such manner, as under the circumstances of the case may be found possible; but some, I fear, will have to be presented to you without direct proof of having come from those to whom they are attributed. In such cases the Court will bear in mind that a full investigation is the great desideratum, and that such cannot be perfected, if evidence, credible in itself, be rejected merely because some unimportant formula cannot be complied with. They will recollect the difficulties as to proof which must ever attach to documents not in the handwriting of those who are the authors of them, and who, at the present moment, have weighty reasons for declining to acknowledge anything that may connect them with the Prisoner under trial. The oral testimony I need not dilate on. I shall endeavour to procure it from the most reliable sources; but it must still be borne in mind, that almost every Native that I can possibly bring before this Court as an evidence, will have some interest in giving his narrative a colouring as favorable to himself and to the circumstances which he relates, as may be consistent with those broad and acknowledged facts of the Mutiny and Rebellion, which are already known to us all. I shall now commence with the documentary evidence, and bring forward my first witness in proof of the handwriting of the Prisoner and of others who may have taken part in it.

F. J. Harriott, *Major,*
Deputy Judge Advocate General, &
Government Prosecutor.

1st Witness.—Ahsan Ulla Khan, late Physician to the Ex-King, is called into Court, and duly affirmed.

Examined by the Judge Advocate.—Papers under the head Miscellaneous, numbered 2, 3, 4, 13, 14, 19, 20, 21, 22, 24, 27, 30, 33, 39, 40, 41, 43, 44, 48, 50, 52, 53, 54, are shown to Witness, who declares that the orders written at the head of each are in the handwriting of the Prisoner. Also the following are shown to Witness, Nos. 6, 15, 18, 25, 26, 31, 32, 35, 36, and 45, who recognizes the special cypher as being affixed by the Prisoner's own hand. Papers Nos. 5, 16, 29, 34, and 38 are shown to Witness, and he declares that the writing in all of them is that of Mukund Lal, who was special Secretary to the Prisoner, and that the Seals on three of them, *viz.*, Nos. 5, 16, and 34, are impressions from the King's State Seals. Papers Nos. 12, 23, 28, 37, 42, 46, 47, 51, and 55 are shown to Witness, who does not recognize the handwriting in any of them, but says the Seal on No. 23 is that of Mirza Moghal, the Commander-in-Chief; on No. 37, the impressions of the Seals of the Chief Police Officer, and of the Chief Court of Justice of Delhi; on No. 42 there are the impressions of the Office Seal of the Police Station of Budderpore, and of the King's own Secretorial; on 46, the Seal is an impression of that of Mirza Moghal. He does not recognize anything in reference to the other numbers. Papers Nos. 1, 7, 8, 9, 10, 11, 17, and 49 are shown to Witness. He recognizes the Seals on all these eight papers as impressions from the special Seal engraved with the King's cypher, and with the exception of the writing in Paper No. 10, he recognizes that on all the others as that of Mukund Lal, the Prisoner's special Secretary. No. 56 is shown to Witness; he recognizes it as the handwriting of Mukund Lal, and as bearing the King's own State Seal.

The Judge Advocate now peruses translations of the above Papers down to No. 36, which are entered as follows :—

Papers arranged under the head of Miscellaneous.

No. 1.

ORDER UNDER THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

Dated 14th May 1857.

To

The Special Slave, Muhammad Ali Beg,
Subordinate Collector of Land Revenue of the
Southern Division of the District.

Be it known to you. You are directed immediately on receipt of this order to proceed to the Royal presence, and to bring with you the Revenue you have collected. You are directed further, to make complete arrangements for the preservation of order throughout the limits of your jurisdiction. You will consider these orders imperative.

No. 2.

PETITION from Moulavi Muhammad Zohur Ali, Police Officer of Najaf Garh.
Dated 18*th May* 1857.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That the orders of the royal missive have been fully explained to all the Thakurs,* Chowdaries,† Kanungoes,‡ and Patwaries,§ of this township of Najaf Garh, and the best arrangements have been established. Further, that, agreeably to your Majesty's injunctions, steps are being taken to collect horsemen and footmen, and it is explained to them, that their allowances will be paid from the Revenue of this Division of the District. Your Slave's assurances, on this point, however, will not be believed, till some Ghazees,‖ recently engaged, shall have arrived. As regards Nagli Kakrowla, Dachaoo-Kallan, and other adjacent Villages, your Slave has to represent, that, unrestrained by the dread of consequences, and bent on all sorts of excesses, the inhabitants have commenced plundering travellers. Two petitions regarding the conduct of these lawless disturbers of the peace have already been submitted, and I am now in hopes that some Royal Prince, of reputation and capacity, may be deputed, with a sufficient force of Cavalry, Infantry and Ghazees, to settle the portion of the Country constituting your petitioner's jurisdiction, your slave will then point out these lawless Villagers, and will be able for the future to preserve order and prevent crime. If delay or indecision is allowed to occur, many lives, it is to be feared, will be sacrificed. Some of the Establishment at this Station were very much straitened in pecuniary means, and had no choice but to go away. If with kind consideration, therefore, some funds are granted, a portion will be given to the men here referred to, and horsemen and footmen will be entertained to preserve order. But your Majesty is the Lord and Master.¶ This petition is forwarded to your Majesty by the hands of the cartmen who were recently subjected to lawless treatment. I would beg that your Majesty's orders may be sent by these men. (Prayers for the King's prosperity). Signed and Sealed, the Slave Muhammad Zohur Ali, Police Officer of Najaf Garh.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will quickly send a Regiment of Infantry, with its Officers, to Najaf Garh.

No. 3.

PETITION of Captain Dildar Ali Khan.
Dated 23*rd May* 1857.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That the Guard which had been stationed for the protection of your Slave's house, having been withdrawn within the last four or five days, ill-conducted characters of the City have been going, in mobs, to plunder it. It is in this house that your Slave's wife and children reside, and he therefore prays that a Guard may be stationed to protect it. (Prayers for the King's prosperity). Petition of the home-born slave, Captain Dildar Ali Khan.

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* Thakur—Principal Land Proprietor.

† Chowdary—Head man of trades or professions.

‡ Kanungo—Registrar of landed proprietary rights.

§ Patwary—Village Accountant.

‖ Ghazi—Fanatic pledged to sacrifice their lives, if necessary, in fighting in defence of the Mahomedan Faith.

¶ A form of expression with which petitions are frequently closed, implying that the petitioner has discharged his duty, and that it remains with the party petitioned, to exercise prerogative, and determine what should be done.

AUTOGRAPH ORDER OF THE KING, IN PENCIL.

Mirza Moghal will station a Guard, from the 20th Regiment Native Infantry, at the petitioner's house.

No. 4.

PETITION of Rajab Ali, Jemadar of the Delhi Magazine.

Dated 24th May 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That we, Slaves, who are nurtured by your salt, leave our families at our homes, and are, agreeably to your Majesty's orders, daily engaged in the Magazine from morning till night. The disorders and disturbances prevailing in the City, being beyond all limits, we present ourselves at the Royal threshold, and pray that orders, under your Majesty's Seal, may be issued to all the Police Officers, that they maintain efficient arrangements, in the several jurisdictions, for the protection of the houses of the Magazine servants; moreover, your Slaves, residing in the Khalassy lines which are situated in the Nigambodh Police Section, as well as the rest of the inhabitants, wearied of their lives, by the excessive oppression they are suffering, pray that the present Police Officer may be transferred to some Station outside the City, so that your petitioner may obtain rest and quiet. Petition of the Slave, Rajab Ali, Jemadar of the Delhi Magazine.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.*

Mirza Moghal will station all the Men who brought treasure from Bulandshahr at the Magazine, and the Soldiers of the Royal Levies are not to be allowed to carry away any thing from the Magazine, without special permission.

No. 5.

ORDER UNDER THE STATE SEAL OF THE KING.

Dated 25th May 1857.

To

THE SHELTER OF SYUDS, SYUD ABDUL HASAN.

Learn. That from the day you left Rohtuk, no account has been received from you of the state of affairs there. You are, therefore directed, immediately on the receipt of this special mandate, to communicate detailed particulars of the state of that District, as to whether or not you have succeeded in bringing it under entire subjection. Submit your petition in this matter without delay. Consider this order extremely imperative.

NOTE ON THE REVERSE—" Copy taken."

No. 6.

ORDER UNDER THE AUTOGRAPH CYPHER OF THE KING, IN PENCIL.

Dated 27th May 1857.

To

MIRZA MOGHAL.

SON,—The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal Bahadur. Learn. That the articles, which are detailed below, and which are forthcoming in the Magazine, are required to strengthen the Bridge over the Jumna. You are, therefore, directed to have them made over, by the Superintendent of the Magazine, to Chuni Lal, the Superintendent of the Bridge.

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* This order has no connection with the petition, and was written on it evidently by mistake.

Cables,[*] large, as many as may be required.
Planks, large, as many as may be required.
String, as much as may be required.

Iron Hatchets	2
Iron Adzes	2
Iron Saws	2
Iron Chisels	2
Iron Nails, large	100

No. 7.

ORDER UNDER THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

Dated 29*th May* 1857.

To

THE EMBLEM OF DIGNITY, JANG BAZ KHAN,
Police Officer of Alapur.

Learn. That you, Slave, have been nominated and posted to the situation of Police Officer of Alapur. You will take heed to conduct the duties of this appointment with all integrity, honesty, and care, and you will, moreover, under all circumstances, maintain such efficient arrangements throughout your jurisdiction, that pillage, highway robberies, and murders may not occur.

NOTE ON THE REVERSE, "Copy taken."

No. 8.

ORDER UNDER THE SPECIAL SEAL ENGRAVED IN THE KING'S CYPHER.

Dated 29*th May* 1857.

To

THE SLAVE, EMBLEM OF RESOLUTION, MUHAMMAD ALI BEG.

Consider yourself favored, and know that you are directed, agreeably to our Royal orders, to establish the Office of the private Revenues of the King,[†] and the principal subordinate Office of the District for the collection of the Land Revenue,[‡] in the house of James Skinner Bahadur, and in that recently purchased by the wife of the said James Bahadur. Be assured of our favor.

No. 9.

ORDER UNDER THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

Dated 31*st May* 1857.

To

HÊT RAM,
Land-holder of the Village of Goramra.

Make efficient and effectual arrangements for the supply of Commissariat necessaries, and you shall be fully rewarded by our Royal Government.

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[*] Langar, the word in the original, means either a cable or an anchor.

[†] Khalsa Sharifa.

[‡] Hazur Tahsil.

No. 10.

ORDER ATTESTED WITH THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

Dated 5*th June* 1857.

To

THE MEN OF THE ROYAL LEVIES, AND ONE COMPANY OF THE BRITISH NATIVE INFANTRY, CONSTITUTING THE GUARD AT THE LAHORE GATE.

To the effect, that some pipes of spirits, offensive to the sight, and forbidden by the Mahomedan religion, were taken in plunder. That three of these, of the large size, were left in the Magazine for the manufacture of Powder; that one was sent to the Hospital to the Doctor, and that the rest are now bestowed, according to the detail below, on the Writers of the Kayasth caste, old servants of the King. It is therefore incumbent, that no hindrance to the conveyance of the pipes to the houses of the Writers may be offered at the Gate. They will be removed according to these orders, of our Royal presence, and no man accordingly is to question or hinder their removal.

Munshi Mukund Lal...	1 Pipe.
Sheo, late Clerk in the private Office of the King	1 Pipe.
Samman, late Inspector of the Farash Khana	1 Pipe.
Sukhan Lal and Juwalla Prashad	1 Pipe.
Sant Lal, Lakshman Das, Officers of the Pay Department .	1 Pipe.
Jowalea Nath	1 Pipe.
To the Doctor at the Hospital	1 Pipe.

No. 11.

ORDER UNDER THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

Dated 6*th June* 1857.

To

THE EMBLEM OF DIGNITY! THE HONORED OF THE SOVEREIGN,
MUHAMMAD TAKKI KHAN.

Learn. That whereas you, our special Slave, were formerly appointed Superintendent of our Hall of Special Audience, you are now, in consideration of your high literary attainments, and your honesty and dignity, nominated to the Office of Sudder Amin of Shahjahanabad,* the seat of the Imperial Government, in room of the Kerány † dismissed. You will conduct the duties of this appointment, in subjection to the authority of the highly distinguished paragon of accomplishments, the Moulavi Sudderuddin Bahadur.

No. 12.

PETITION of Zabtay Khan, attached to the Police Station of Basant.

Dated 16*th June* 1857.

To

THE KING! ADORATION OF THE WORLD!

Previous to this, your Majesty's orders were received, to the effect that 40 footmen, from the force here, should be detached to the Police Station of Paharganj, but delay occurred in carrying out these orders, in consequence of divers necessaries not having been ready. To-day, your Slave has been honored with a second order, reiterating the first : your Highness, agreeably to your Majesty's orders, your Slave will attend the Royal presence to-morrow, bringing 40 footmen of his Station, and will, afterwards, instal them at the Paharganj Station. These men have been paraded and mustered, in the presence of Nathia Khan, Trooper. (Prayers for the King's prosperity). Petition of the Slave, Zabtay Khan, attached to the Police Station of Basant.

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* Delhi.

† Writer. A contemptuous allusion to the English Officer.

NOTE ON THE REVERSE.—"The contents have been learned 16th June 1857."

No. 13.

ORDER UNDER THE KING'S SPECIAL CYPHER IN PENCIL IN AUTOGRAPH.

Dated 18*th June* 1857.

To

MIRZA MOGHAL.

SON,—The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal Bahadur! Learn, that yesterday, an order was passed, under our own special signature, on a petition from the inhabitants of the old Fort, prohibiting acts of devastation against the petitioners, and that this petition was then sent to you. It is surprising that, up to the present time, no arrangement should have been made, and that you should not have given effect to the prohibition, by sending out some Cavalry. It is the business of the Army to protect, and not to desolate and plunder. The Officers of the Army will, therefore, immediately restrain their men from the commission of these improprieties, and further, as the intelligence of the approach of the Enemies' Troops was false, these lawless Soldiery should not now be kept in the old Fort, but, on the contrary, entrenchments should be constructed for them, at the distance of five or six miles, and they should be stationed there, so that our subjects may obtain immunity from the hardships complained of; and that, at the same time, a barrier may be raised against the approach of the Enemies' Troops. You will immediately take steps to arrange this matter, and will allow no neglect to occur, in reference to it. Be assured of our kindness.

(In pencil, in the King's handwriting, to give the order greater force, no doubt.)

"Make arrangements quickly."

No. 14.

JOINT PETITION of Chand Khan and Ghulab Khan, on behalf of themselves and other Residents of Jysinghpur and Shahganj, otherwise known as Paharganj.

Dated 19*th June* 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That whereas in these days of auspicious prospects, we poor residents of Jysinghpur and Shahganj, otherwise known as Paharganj, and of other places, forming a community, pass our time, under your Royal and light-dispensing prestige, in freedom from all grievances. Whereas this township of Paharganj has always borne the Royal name,* and whereas frequently the Troops of the State, emerging from the Ajmir Gate, visit Paharganj, and oppressing the Shop-keepers, forcibly take away their wares, without the payment of prices, and also, entering the dwelling houses of the destitute and indigent, forcibly carry away all such articles, as beds, woods, vessels, &c., that they can lay hands on, and wound with fire-arms and swords, those who may supplicate their forbearance: wearied by this oppression from the Army, we are reduced to the necessity of petitioning your august presence, that, from regard to justice, as well as from kind consideration for our condition, the Officers of the Army may be ordered to explain to, and enjoin on their men, that they desist from oppressing us, and the other poor residents of Pahargunj. (Prayers for the King's prosperity). Petition of the lowest of Servants, Chand Khan and Ghulab Khan.

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* Shahganj, the King's ganj, or market-place.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will adopt such measures against these devastators, as will compel them to desist from plundering, so that our subjects may not be aggrieved or oppressed.

An incomplete note on the Reverse inapplicable to this case.

No. 15.

ORDER UNDER THE AUTOGRAPH CYPHER OF THE KING, IN PENCIL.

Dated 20*th June* 1857.

To

MIRZA MOGHAL,

SON,—The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal Bahadur. Learn, that Abdul Hasan, *alias* Mir Nawab, son of the lawyer, Mir Taffazul Hasan, is a suspicious character, and it is our Royal pleasure that he be not allowed to come into the Palace. We have recently heard that this man is with you. You are therefore directed to have him ejected immediately, and to have orders conveyed to both Gates, that on no account is he to be allowed admission into the Palace, for the future. Consider these orders imperative. Moreover, listen to no intercessions that may be made by others, in this man's favor. Be assured of our favor.

No. 16.

ORDER UNDER THE KING'S STATE SEAL.

Dated 24*th June* 1857.

To

THE SLAVE, EMBLEM OF POWER, JUMMA-UD-DIN KHAN.

Learn. That your petition soliciting permission to open a Newspaper press has been received and read, and that your request is granted. You are, accordingly, authorized hereby to start the Newspaper in full confidence. You are, however, directed to observe great care, that false intelligence, or that statements by which the characters of respectable individuals, or of the residents of the City, may be aspersed, directly or by implication, be not inserted.

No. 17.

ORDER UNDER THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

Dated 26*th June* 1857.

To

MIRZA MOGHAL,

SON,—The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal Bahadur. Learn, that orders have, day after day, been issued to the Officers of the Cavalry to vacate the Garden, and they have, till now, done nothing, but make excuses and promises. Definite orders are therefore now issued, to the intent that you, our Son, will summon the Officers, and will tell them, that if they consider themselves the servants of the State, they will not go to the Batteries to-morrow, but will leave the Garden and remove their quarters to Keetur's* house, situated under the Palace, where there is abundance of accommodation, and ample shelter of trees. What they urge in reply, you will submit for our consideration.

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* Keetur, a corruption perhaps of some English name.

No. 18.

ORDER UNDER THE AUTOGRAPH CYPHER OF THE KING IN PENCIL.

Dated 27th June 1857.

To

MIRZA MOGHAL AND MIRZA KHAIR SULTAN.

SONS. The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal Bahadur, and Mirza Khair Sultan Bahadur. Learn! That your petition, regarding the proceedings of four or five ill-conducted men, who assuming, as a disguise, the appearance and dress of Soldiers of the Native Infantry of the Company, have gone about plundering the inhabitants of the City, and have now left for the country, and representing the detriment to the Government which must ensue, in consequence, and further requesting permission to take measures for suppressing such practices, and for capturing the men alluded to, has been perused. It is a matter of some surprise, that from the lawless doings of but four or five men, so much plunder and devastation in the City, and so much ruination of the people generally, should result; and that, on their capture alone, the establishment of order should be expected to depend; for not a day has elapsed, since the arrival of the Army, and its taking up quarters in the City, that petitions from the towns-people have not been submitted, representing the excesses committed by numerous Infantry Sepoys, about whom there could be no suspicion of disguise, and that orders have not been issued, day after day, to you our Sons, to take measures, with the aid of a Military force, to suppress these disorders. Considering all this, it seems now altogether unlikely, that order can be secured while the Army remains in the City. However, you, our Sons, are nevertheless directed to send to our glorious presence, some one able to recognize the vagabonds alluded to, that he may be sent, accompanied by horsemen and footmen of our own Royal Levies, with a mandate, to the Chief Police Officer of the City, and his subordinates, to arrest and forward without delay to our presence, those whom he may point out, and if any villainy or instigation to plunder shall be proved against those who may be thus apprehended, they will receive punishments adequate to their guilt. But you, our Sons, are directed to take all proper steps, to prevent the men of the Army from plundering and desolating the City. In every case of an offence of these kinds being proved, or where a man may be found in the private residence of any of the Inhabitants, the Officers will award punishment to the offender so that these evils may be suppressed. Be assured of our kindness.

No. 19.

PETITION of Muhammad Khair Sultan.

Dated 27th June 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That 162 Sheep and Goats, which were being taken to the English, have been captured, and brought in by Sheo Das Pathak and Narayan Singh, Sepoys of the 46th Regiment Native Infantry, serving in the Batteries, and that 5 European Soldiers have been killed on this occasion. It is submitted for information. Petition of the humble Khair Sultan.

AUTOGRAPH NOTE IN PENCIL BY THE KING.

162 Sheep and Goats have been received.

Note at the top—" Index No. 290."

No. 20.

PETITION of Baldeo, farmer of Ferozabad.

Dated 28*th June* 1857.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That owing to the unsettled state of the times, and in consequence of the City gates being kept closed, your Slave has stored the produce of his Winter crop of Grain of the Agricultural year 1264, on the premises of a relation in the old Fort. The Officers of the Regiment stationed there now oppose its removal, and your Slave is pressed for payment of his rent for the year referred to, by his landlord Syad Abdulla, Mafeedar*. Your Slave therefore trusts that an order, under your Royal signature, may be sent to the Officers stationed in the old Fort, directing them not to oppose the removal of the Grain to the City, so that your Slave may sell it and pay his rent. The petition of the Slave Baldeo, Cultivator of the Village of Ferozabad Khadir endowment to the Shrine of Sharif Hazrat Muhammad Chisti.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Ahsan Ulla Khan, have an order written.

NOTE ON THE REVERSE.—An order has been written.

No 21.

PETITION of Syad Abdulla, Priest at the Shrine of Hazrat Shekh Muhammad Chisti.

Dated 29*th June* 1857.

To

THE KING ! SHELTER OF THE WORLD !

Previous to this, your petitioner submitted a petition, representing tha tsome of the Cultivators of the rent free Village of Ferozabad Khadir had not paid their rents on account of the Winter crop of the Agricultural year 1264, and he requested that aid might be granted to enforce payment. Up to that time, no damage had been sustained by the crops, which the Cultivators could urge as a reason for delay. Now, however, the whole of the Autumnal crop of Sugar Cane, Churree, &c., of the Agricultural year 1265, has been totally devastated, and more than this, the very implements of Agriculture ,such as ploughs, the wood-work on wells, have been all carried away, in plunder by the Soldiers. Under these circumstances, certainly the rents cannot be realized, and as the Revenue of this Village has been assigned as an endowment to support the expenses of the Alms-house under your petitioner's management, he depends on your Royal kindness and consideration, and trusts such arrangements will be adopted, as will insure that no Soldier shall cause loss to the Agriculturists of the said Village. A petition from the Cultivators, also, is being submitted. Petition of the Anchorite Syad Abdulla, son of Syad Shah Sabur Ali Chisti. Official Seal of the Shrine.

Autograph order of the King in pencil, illegible.

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* Rent free tenant.

No. 22.

JOINT Petition of Jogal Kishwar, and Sheoprashad, Merchants.

*No date**.

To

THE KING! SHELTER OF THE WORLD!

YOUR MAJESTY,—Paying, agreeably to your Majesty's orders, Rupees 1,200 into the Royal Treasury, we obtained a document, under your special signature, assuring us, that we should for the future have full immunity from all vexation and annoyance at the hands of the functionaries of the State, the Princes Royal of illustrious descent, the Soldiers of the Army, and all others. Notwithstanding all this, however, some Troopers, bent upon plunder, still come daily to your Slave's house in the name of the Princes and wish to take our lives or carry us prisoners. Left without other choice, we have been sitting concealed for the last three or four days, and our servants and retainers being subjected to every grievance and hardship, have not known what to do. Denied ingress and egress to and from our house we have been rendered houseless as it were, and the privacy of our families has been completely ruined. If the Princes Royal, delegated to protect the subjects of the State and the poor, begin themselves to plunder and oppress, where then can there be any safety for the subject? From your Majesty's goodness, clemency, and justice, equal to Nowsherwan's, we expect that a written order will be addressed to each of the Royal Princes of illustrious ancestry, namely, His Highness the Lord of the World, Mirza Muhammad Moghal Bahadur, Mirza Khair Muhammad Sultan Bahadur, Mirza Muhammad Abulbakr Bahadur, Mirza Muhammad Abdulla Bahadur, and others, to the effect that, for the future, no soldier of the Cavalry or Infantry be permitted to go to your Slave's house and commit acts of aggression there, and that the Military Guard at present stationed there, be removed, because lawless characters of the City take advantage of the Guard being changed to plunder your Slave's property. We further expect from your Majesty's kindness and consideration that a Guard of Militia from the Chief Police Station of the City may be placed at our house, that we and our servants may not be hindered in going in and out, and may be protected from the ill-conducted characters of the City, and we pray, moreover, that a written order may be sent to the Chief Police Officer, that none of the ill-conducted characters above alluded to, may be permitted to get up disturbances with your Petitioners. (Prayers for the prosperity of the reign.) Petition of the Slaves, Jogal Kishwar and Sheoprashad, Merchants.

No date. Autograph Signature of the firm in Hindi.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal Bahadur will station a Guard at the house of the Petitioners. No date. Index No 218.

NOTE ON THE REVERSE.—Agreeably to His Majesty's Commands a written order has been issued, dated 1st July 1857.

No. 23.

PETITION of Mirza Moghal.

Dated 2nd July 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That a petition has this day been received from the inhabitants of the City, to the effect that they have been directed by the Chief Police Officer to wait armed and in a body, on the Officers of the Troops arrived from Bareilly.

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* Date of final order, the 1st July 1857.

It does not appear what the object of this order is. Your petitioner therefore suggests that such orders as may be necessary in this case may be issued, so that they may be complied with. Petition of the Slave, Mirza Muhammad Zohur-ud-din Bahadur. Official Seal of the Commander-in-Chief Bahadur.

No order.

No. 24.

PETITION of Syad Muhammad, Ascetic.

Dated 4th July 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That the Soldiers of the 9th Regiment Native Infantry quartered near Skinner's house, which is close to the Cashmere Gate, are destroying the houses adjoining the Ailkhand Khan Police Station, and situated in the rear of Skinner's house. Several tenements, forming a square, some of brick or stone, and some of mud or unbaked bricks, and belonging to Ascetics, are situated in the locality. The aforesaid Soldiery had before dug out and taken away the doors and door-frames. They are now destroying the roofs. As your Majesty dispenses justice to all, your Petitioner depends on your Majesty's goodness and favor, and prays that the entire demolition of these houses by the Soldiers may be prevented, so that what remains of them may be saved from their aggressive hands. It was necessary, and has therefore been submitted. (Prayers for the King's prosperity). Petition of the Ascetic, the lowly Syad Muhammad.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal Bahadur will lay strict injunctions on the Officers of the 9th Regiment Native Infantry, to refrain from the spoliation complained of.

NOTE ON THE REVERSE—The order has been written.

Number on the face (Index number probably) "204."

No. 25.

PETITION of Ahsan-ul-hak.

Dated 4th July 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That Mirza Abulbakr Sahib has lately been in the habit, with unrestrained license and recklessness, of visiting for evil purposes the house of Princess Farkhunda Zamani, situated in Bahram Khan's Teraha, (your petitioner's houses being in the same division of the City,) and of indulging in the practice of all those acts which may be expected to result from drunkenness. According to his custom, he came yesterday before noon to the said Princess's house, and remained, drinking spirituous liquors, and hearing singing for the rest of the day. About an hour and a half after sunset, he prepared to leave; but the key of the street gate, accidentally being with the watchman, and he not coming immediately, the Mirza was delayed. Upon this, the Mirza being in a hurry, drew his pistol and fired it at your Slave, who happened at the time to be sitting at his door with some friends. Your Slave kept silent, although no pretext had been afforded for this violence; but the Mirza nevertheless gave unlimited hand to his tongue, and thought to enter your Slave's house, and to plunder and to carry off all the property it contained. Your Slave, however, shut the door, fixed on the chain, and got inside. The Mirza had intended to kill your Slave, and it was with this object he discharged his pistol at him; but as some little portion of your

Slave's life remained uncompleted, the shot did not take effect. After the door had been closed the Mirza drew his sword, and made several attacks upon it, and moreover directed his servants to throw stones at different places over the walls, and at the doors. He further gave orders that the Artillery, Infantry and Cavalry, should plunder the house and slaughter the inmates. The watchman stationed at the Faiz Bazâar arriving, the Mirza forcibly threw him on the ground, and it was probable that he would have severed the watchman's head from his body. This did not occur; but the Mirza so bruised he watchman's back and head with blows, as to leave him half dead. Moreover, the Mirza kept striking with his drawn sword-in all directions, and very much injured the door with successive shots from muskets, and so distributed the Infantry Soldiers in the Bazaar, at the same time ordering the Troopers to plunder and murder, that many of the people passing in the streets, were hit by the bullets. The Assistant to the Chief Police Officer of the City was hit by one †* * * * * * * * * Nothing remains of the property that belonged to the residents of this part of the City, or to the Police Officer †* * * * * * * * All the goods and chattels likewise, which happened to be in the yard in front of the house, were carried off in plunder, and the Mirza, then destroying the door, left a guard, and went away. In this disturbance, your Slave has had a foretaste of the day of judgment. Whatever has passed, now depending on your Majesty's kindness, I trust that full punishment may be awarded. Otherwise, to-morrow is not far from to-day, and the said Lord of the World, Mirza Abulbakr, bent on evil purposes, will certainly come with cannons, muskets, and swords, and will carry out his designs, and what we helpless subjects will have suffered will be something astounding. (Prayers for the prosperity of the reign.)

List of Property carried off.

Cotton Carpet, 5 yards long, valued at 7 Rs.	1
Copper Vessels (Lotas)	2
Copper Saucers and Covers, valued 1 Re.	2
Janumaz, valued 2 Rs.	1
Benares Scarf, valued 7 Rs.	1
A Horse, color, dun, valued 200 Rs.	1
A small portable hookah	1
A pair of Bullocks, value 100 Rs.	1 pair.
A Sword, valued 15 Rs.	1

Petition of Muhammad Ahsan-ul-hak.

Order under the Autograph Special Cypher of the King, in pencil, in reference to the circumstances represented in the above petition, dated 5th July 1857.

To

MIRZA MOGHAL.

SON,—The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal Bahadur. Learn. That you are directed to search out, and recover from the servants of Mirza Abulbakr Bahadur, a sword and a pink turban, the property of Kamdar Khan, watchman of the Faiz Bazaar, who was wounded, and to forward them to the Royal presence. You are directed also to recover from the men of the said Mirza, the property of Muhammad Ahsan-ul-hak, son of the Mufti* Ikram-ud-din, whose petition is enclosed, as also to recover and forward to the Royal presence, the property of Khuda Baksh Khan, Assistant to the chief Police Officer. Be assured of our kindness.

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† Portions of the original have been torn out.

* Professor of the Mahomedan Law.

No. 26.

ORDER UNDER THE AUTOGRAPH CYPHER OF THE KING, IN PENCIL.

Dated 11*th July* 1857.

To

MIRZA MOGHAL.

SON,—The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal Bahadur. Learn! That you were formerly directed, by a special mission, as well as by our verbal injunctions, to make search for a horse, a pistol, and other property belonging to the Assistant to the Chief Police Officer of the City. We learn to day, from the representation of the Chief Police Officer, that Jugga Sais, has just come, after recognizing the Assistant's horse, in the Camp of the Cavalry at the Ellenborough Tank. You, our Son, are therefore directed to have the horse pointed out to-morrow without fail, and recovering him from the Troopers, to restore him to the Police Officer. Be assured of our kindness.

Order on the Reverse, without signature or seal, but given by Mirza Moghal apparently.—Let an order be issued to the Officers of the Cavalry, directing the institution of inquiries regarding the horse in question. If the horse, pointed out, isproved to be the property of the Assistant Police Officer, he must be sent here immediately. Dated 12th July 1857.

NOTE UNDER THE ORDER.—"This order should have been written on a separate paper. It has been written here by oversight."

No. 27.

PETITION of Mirza Moghal.

Dated 11*th July* 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That the pistol, sent through Yusuf Beg, has been received. In regard to your Majesty's orders communicated verbally through your petitioner's foster father, your slave submits, that your Majesty knows every particular of your slave's conduct, without his explaining it. Nothing is hidden from your Majesty. Your slave affirms, with the solemnity of an oath, that no orders are ever issued, but such as your Majesty has been previously made acquainted with, or if any are issued, the physician, at least, is always informed of them. Your slave issues no orders whatever without your Majesty's knowledge. Further, as regards the distribution of money to the Troops, your slave prays, that Bindi Banker may be summoned, and may be made to declare on oath, whether or not your slave has always regarded the smallest fraction, and a Lac of Rupees, as sums equally insignificant, and whether the embezzlement of the least trifle can have occurred. (Prayers for the prosperity of the reign). Petition of the slave, Zohur-ud-din. Attested with the Official seal of the "Commander-in-Chief Bahadur."

AUTOGRAPH ORDER BY THE KING IN PENCIL (inappropriate.)

"Institute inquiries."

"No. 401" (apparently Index number.)

No. 28.

PETITION of Jamuna Das, Land-holder, Resident of Muttra.

Dated 14*th July* 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—Your exalted Highness. Your slave has, for some years, been staying at his home without occupation, and has passed his time as best he was able. He has now come to your Majesty's threshold in search of a subsistence, and prays that orders may be issued from your Royal presence, empowering him to make arrangements for settling the Country from Delhi to Muttra, and thence on to Agra. As your slave is a resident of Muttra, and is in consequence fully acquainted with the whole of that District, he will, through your Majesty's auspices and the favor of God, be able to establish arrangements which will be thoroughly efficient. Your slave, moreover, knows near two thousand men in that District, who are practiced in the use of fire-arms. All he requires is your Majesty's orders, and he will then establish Postal and Commissariat arrangements in every City and Town, from Delhi to Muttra, &c. Ten or fifteen days after reaching Muttra, your slave will send about ten Lacs of Rupees to the Royal Treasury, for the expenses of the State. He prays, therefore, that the matter being taken into favorable consideration, one piece of ordnance, with shot and powder, and some Infantry, may be made over to him, to proceed in that direction. Arriving in that District, your slave will, with the blessing of God, make thoroughly efficient arrangements, and your Majesty's Government will be firmly established. Without your Royal authority, your slave is unable to do any thing, and that which is accomplished, will hereafter be thoroughly manifest to your Majesty. Beyond this, matters are in the dispensation of God. It was necessary, and has therefore been submitted. (Prayers for the prosperity of the reign).

Piece of Ordnance with powder and shot	1
Regiment of Infantry with Cavalry	1
Seal, to certify King's authority for the petitioner's proceedings ...	1

Besides the above, whatever else it may please His Majesty to bestow. Petition of the slave Jamuna Das, Putail, of old nourished by His Majesty's salt, resident of Muttra, at present staying at Delhi.

Signature of the Petitioner in Hindi.

NOTE.—No order on the petition; but there is a separate one in reference to it from the King, to Mirza Moghal, which has been translated as a separate paper.

No. 29.

PETITION from Rattan Chand, Superintendent of the Royal Gardens, and private Estates of the King, attached to Sahibabad, &c.

No date.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That the Troopers quartered in the Chandni Chowk,* have picquetted their horses immediately in the front of the shops. Many of the tenants have, in consequence, vacated their shops and gone away, and those that remain are ready to follow the same course, from dread of the Troopers. Much loss of rent, as well as damage to the shops, which having been plastered with mortar are yet in repair, is now occurring. Your petitioner prays, therefore, that orders according to the Royal pleasure may be issued in this matter. Petition of the consumer of the Royal salt, the slave Rattan Chand, Superintendent of the Gardens, and personal Estates of the King, at Sahibabad, &c.

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* The principal Street of the City.

Note in Margin.—"Copy taken."

ORDER BY THE KING, IN REFERENCE TO THE ABOVE PETITION, WITHOUT SIGNATURE, SEAL, OR CYPHER.

Dated 16th July 1857.

To

Mirza Moghal.

Son,—The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal Bahadur. Learn! That we are informed, by a petition from Rattan Chand, Superintendent of the Sahibabad Garden, which is herein enclosed in original, that the Troopers of the Cavalry come from Jodhpur have picquetted their horses in front of the shops, and have taken possession of a number of them. That some of the shop-keepers have, in consequence, vacated their shops and gone away, and that those of the tenants who remain are ready to do the same. Under these circumstances, loss to our personal Revenue must ensue. You, our son, are therefore directed to cause these Troopers to remove from their present location, and to assign them some other place to stay in, so that this cause of loss to our Revenue may be checked. Be assured of our kindness.

No. 30.

PETITION of Sheodial and Shadiram, Merchants.

Dated 17th July 1857.[*]

To

The King! Shelter of the World!

Respectfully Sheweth,—That great mobs of people go daily to the mercantile shops of your slaves, situated near the Cashmere Gate, and commit the most riotous proceedings there. Sometimes they bring the Chief Police Officer of the City, at others, the soldiery, accusing your slaves, as a plea for their conduct, of sending supplies to the Enemy. Be it manifest to your Majesty, that we are the hereditary and home-born slaves of your illustrious house. From such proceedings, our total ruin and impoverishment must ensue; we therefore pray that our shops may be placed under the lock and key of the State, so that it may be protected, and we may obtain safety from the grievance represented. (Prayers for the prosperity of the reign). Petition of the slave, Shadiram and Sheodial, Shop-keepers. No date.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will provide for the protection of the petitioners.

On the Reverse.—"No. 557."

Order on the reverse, without signature or seal, apparently by Mirza Moghal, in furtherance of the King's order:—

This petition, bearing an order in the Royal handwriting, directing arrangements, has reached this Office to-day. The petitioners request that their shop may be placed under the lock and key of the State, and that it may be protected. It is therefore ordered, that a written order be sent to the Chief Police Officer of the City, to the intent that agreeably to the request of the Petitioners, he place their shop under lock and key, and attend so to its protection that no damage may be allowed to occur to it. It is not necessary to send the liquors here.[†] Dated 17th July 1857.

Note under the Order—"An order has been written."

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[*] There is no date to the petition. This is the date of the final order on it.

[†] This sentence appears to bear allusion to some verbal request of the petitioners.

No. 31.

ORDER UNDER THE AUTOGRAPH SPECIAL CYPHER OF THE KING, IN PENCIL.

Dated 17th July 1857.

To

MIRZA MOGHAL.

SON,—The illustrious and valiant Zohur-ud-din, otherwise Mirza Moghal Bahadur. Learn ! That on perusal of the petition of Syad Husein Ali Khan, Police Officer of Paharganj, regarding the wounding of a Jemadar and some Policemen by the violent hands of the Goojurs of Aliganj, Mallanji Hasangarh, and Alapur, a special order was sent to you, with the said petition in original. To-day, on perusal of a representation from the Police Officer of Mahrowli, we learn that the same Goojurs are now engaged in highway robbery and in plundering the Country. The suppression of such disorders is of the utmost moment, and you are directed therefore immediately to send out one Company of Infantry, and 50 Troopers, to capture the Goojurs in question, with the Chief Men* of their Villages. If they are captured, they shall receive the punishment due to their misdeeds, and complete order will ensue. Be assured of our favor.

NOTE ON THE FACE.—" Received 27th July 1857, Number 849."

No. 32.

ORDER UNDER THE AUTOGRAPH CYPHER OF THE KING, IN PENCIL.

To

MIRZA MOGHAL.

SON,—The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal, Bahadur. Learn ! That, from the petition of Jamuna Das, landholder, resident of Muttra, now staying in Delhi, it is ascertained that he has 2,000 Men at his command, experienced in the use of fire-arms, that he promises to bring ten Lacs of Rupees to the Royal Treasury, that he declares his ability to make efficient arrangements along the road from Delhi to Agra, and that he requires a Military force, comprised of Artillery, Infantry and Cavalry, together with ammunition, and a Seal of authority. As it is necessary to enquire—*First*, in what way this man will carry out all the above projects, and how he will proceed to prove what he says, you, our Son, are directed to assemble a Court of all the principal Officers of the Army, and to confer and consult with them about the matter, and to submit, for our consideration, distinctly noticing every particular, whether or not it is likely, that he can bring what he proposes to a successful issue, and, if he can, what course he will adopt. You will also state what the wishes of the Officers of the Army may be in this matter, and whether the man has the capacity for this business, or whether he will only pillage and plunder on his own account. All these points affecting the plan, the means, and the proceedings by which he can carry out all that is said in his petition, you will state distinctly for consideration, and definite orders will then be issued. The original petition is enclosed in this missive, make yourself thoroughly acquainted with its contents, and whatever may be clearly ascertained and proved in this matter, submit for our consideration. Be assured of our kindness. *Secondly.*—Does this man propose to dig up a buried treasure of ten Lacs of Rupees, or does he know of any Treasury where this money is deposited, or does he intend to plunder any one for it ? It is necessary he should be questioned on this point also.

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* Lumberdars.

No. 33.

PETITION of Imam-baksh, Chowdary, and all the men of the ice-pits.*

No date.

Date of final order, 18*th July* 1857.

To

The King! Shelter of the World!

Respectfully Sheweth,—That we, your slaves, have from time immemorial, been cherished and nurtured by the salt of your Majesty's house. The Troops which have now arrived, have encamped near your slaves' houses, which are contiguous to the ice-pits opposite the Turkoman Gate, and your slaves are, in consequence, exposed to great annoyances and ruination; the very timbers of the roofs of their houses having been carried away. Many of the inhabitants, considering their lives in danger, have deserted the place, but your slave has remained, solely because the ice used by your Majesty's butler† is supplied from his ice-pits. Your Majesty desires the fostering care and protection of all God's creatures. Your petitioner therefore prays that Madhuganj, the property of the Rajah of Jypur, adjoining Rajah Jysingh's Observatory,‡ and near to the Turkoman Gate, its enclosing wall being still in preservation, may be graciously bestowed on him, and that an order may be issued to the force come from Bareilly, prohibiting opposition and hindrance, so that your slaves obtaining safety may night and day pray for your Majesty's prosperity. We further beg that the order to the Officers may be issued under your special signature. Petition of the slave Imam-baksh, and all the men of the ice-pits.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal Bahadur will give the petitioners place in the Observatory, and will have an order written.

Order on the Reverse, without Signature or Seal, apparently by Mirza Moghal, in furtherance of the King's order :—

Let orders in accordance with those of the Royal presence, be issued, dated 18th July 1857.

Note below Order—" An order has been written."

No. 34.

TRANSLATION of a Firman from Delhi, addressed to Muhammad Khan, Nawab of Najibabad.

Seal.
Abuzaffar Siraj-ud-din Muhammad.
Bahadur Shah.
Padshah-i-Ghazi 1253 A. Hijri,
and 1st of Reign.

Amir-ud-dowlat, Zia-ul-Mulk, Muhammad Mahmud Khan Bahadur, Muzaffar Jang, our own special servant, worthy of kindness and protection, the object of our favors.

Know! The petition of that special servant, containing full particulars respecting the disturbed state of all the Pergunnahs of that Zillah from the acts of plunderers and rascals, and the method adopted for putting a stop to the same by entertaining as many footmen and horsemen as possible, and calling to mind the hereditary services of that faithful one towards our Royal house, and requesting that our Royal attention may devolve upon that Zillah as of old, has been perused, and all has become known. Of a truth the forefathers of that especial servant have ever been the objects of favors to former Emperors; but that especial servant has always been looked upon by us with particular favor, inasmuch as you left me no service which was becoming unperformed for Mirza Shah-Rukh, deceased, the light of our Royal eyes. (This is an allusion to civilities rendered on a shooting expedition, which Mirza Shah-Rukh, the Emperor's son, made some ten or twelve ago years to Rohilkhand.)

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* Chief man of any trade, profession or occupation.

† Abdarkhana.

‡ The Jantra Mantra.

Therefore you are entitled to our especial kindness.

If you, in addition to your former good acts, render still more efficient service, then will the Royal favor be increased, and your request that the arrangement of the whole Zillah be made over to you shall be complied with. Until a perfect sunnud be issued, you are to keep in deposit the revenues of the District, after paying the Troops and the Revenue Officers, and you are to remit the balance to us.

With reference to the large amount of Treasure, chattels and horses, which came into your hands after the flight of the British Officers, you must send them at once with an account current by the hands of Mathura Das* and two of the Royal Sowars, in order that the real value of your professions may be at once tested, and that you may obtain promotion.

28th Zu'l Kâdat, 21st year of our reign, corresponding with the 21st July 1857.

(True Translation)

(Signed) J. C. Wilson,
Judge of Moradabad.
Senior Commissioner, Meerut Division.

No. 35.

PETITION of Karim Baksh, alias *Natthua.*

No date.

Date of King's order, 22nd July 1857.

To

The King! Divine and Merciful!

Respectfully Sheweth,—That a week or ten days ago, Jawahar Baksh, Private of the 11th Regiment of Infantry, stole a black female mule, the property of your slave, from the street known as the Kazi-ka-Howz. Your slave, with much difficulty, found the mule after five days' search, when Jawahar Baksh restored it, after taking eleven Rupees for doing so. Three days subsequently to this, the said Private, accompanied by another, came to your slave's house, which is situated in the Turkoman Police jurisdiction, and seizing him as a delinquent, took him before Mirza Sultan Beg, Doctor of the 11th Regiment of Infantry. The Doctor placed your slave in arrest, and said the mule was his, and that your slave should either bring the animal, or remain a prisoner. Fearing that his life was in jeopardy, your Slave made the mule over, when the eleven Rupees he had formerly given, were returned. The truth is, that about five months ago, your slave purchased the animal in question from Ramzan Khan, Risaldar, of the 5th Troop, 8th Regiment of Irregular Cavalry, who is a resident of Delhi. Your slave prays that with fostering concern for the protection of the poor, your Majesty will inquire of the above-named Risaldar, and of four or five other Officers of his Regiment, so that your slave may obtain justice, and ever pray for your Majesty's prosperity. It was necessary, and has therefore been submitted. (Prayers for the prosperity of the reign.) Petition of the slave Karim Baksh, *alias* Natthua, claimant for justice, proprietor of the mule.

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* *N. B.*—This is the name of the old Treasurer, and father of the present Bijnore Treasurer.

AUTOGRAPH ORDER OF THE KING, IN INK, AUTHENTICATED WITH CYPHER.

No. 631.

Dated 22nd July 1857.

Let an order be written to the Officers of the 11th Regiment of Infantry.

NOTE IN A CORNER ON THE REVERSE. "The written order" in this case, has not been issued.

No. 36.

ORDER UNDER THE SPECIAL AUTOGRAPH CYPHER OF THE KING, IN PENCIL.

No. 643.

Dated 22nd July 1857.

To

MIRZA MOGHAL.

SON,—The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal Bahadur. Learn! Formerly some Troopers took up quarters in the Hayat-Baksh and Mahtab Gardens, and owing to the injury these Gardens suffered from the Troopers staying in them, they were made to remove, agreeably to our Royal orders. But now near 200 Soldiers of the 54th Regiment Native Infantry, and a Doctor, with his family, have located themselves there, and thus, unless they remove, the causes of damage to the said Gardens will continue as before; moreover, our Royal cortege frequently condescends to go in that direction, and much inconvenience is felt on such occasions. You, our Son, are therefore directed to speak to the Officers of the Court on this matter, and to have these Soldiers and the Native Doctor removed from the Gardens. In doing this, you will secure our extreme divine approbation. Be assured of our kindness.

It being ½ past 2 o'Clock, and the Prisoner requiring an adjournment, the Court adjourns accordingly until 11 A. M. to-morrow.

SECOND DAY'S PROCEEDINGS.

THURSDAY, JANUARY 28TH 1858.

The Court re-assembled this day, at 11 A. M., in the Hall of Special Audience, in the Palace at Delhi, pursuant to adjournment of yesterday.

The President, Members, Interpreter and Deputy Judge Advocate General are all present.

The Prisoner is brought into Court. Ahsan Ulla Khan is called into Court, and reminded of his former affirmation.

The Prisoner now requests that a Lawyer of the name of Ghulam Abbas, may be allowed to attend and assist him in Court. To this the Court accede, and Ghulam Abbas takes his seat in Court accordingly.

The Interpreter now peruses the originals of the papers, the translations of which were read by the Judge Advocate yesterday, and it is explained to the Prisoner's assistant what evidence in respect to each paper was given by the Witness yesterday. The Interpreter having perused Persian originals down to No. 36, the Judge Advocate resumes reading the English translations down to No. 56, which are entered as follows.

No. 37.

ORDER UNDER THE SEAL OF THE ROYAL COURT OF JUSTICE.

Dated 22nd July 1857.

To

THE EMBLEM OF VALOR, THE CHIEF POLICE OFFICER OF DELHI.

The files of papers relating to the cases of two out of the five prisoners sent by you are present in this Office, as specified below; but those of the remaining three are not forthcoming. If you have in your possession any receipt of this Royal Court for the three missing files, you are directed to submit it, and for the future, it is necessary that all prisoners who are forwarded to this Court, should be accompanied by the usual form of committal, with all prisoners in the same way.

LIST CASES.

Files forthcoming.
Case of Gumani, defendant.
Case of Rahm Ulla, defendant.
Files not forthcoming.
Harsukh.
Ghulam Ali.
Khuda Baksh.

PETITION of Mubarak Shah, Chief Police Officer of the City, on the reverse of the above Order.

Dated 24th July 1857.

To

THE KING, &C.

The explanation called for by this order is submitted in a separate petition, which is enclosed. Petition of the slave, Mubarak Shah, Chief Police Officer of the City of Delhi.

Enclosure referred to in the above Petition of Syad Muhammad Shah.

Dated 24th July 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That your Majesty's order, to the effect that five prisoners despatched from the Chief Police Office of the City had reached, and that of these, the files of the cases of Gumani and Rahm Ulla are in the Office of the Royal Court of Justice, but that those of Harsukh, Ghulam Ali and Khuda Baksh have not been found, and therefore, directing that, if any receipt of the Royal Court is forthcoming in this Office it be submitted; and further enjoining that in future cases, the usual form of committal, the plaintiff, and the proofs of guilt be sent with the prisoners, has been received. Your exalted Highness, the particulars are these. Harsukh was apprehended by the subordinate Police Officer of Allahabad, on suspicion of obtaining his livelihood by evil practices, and was sent to this Police Station as a character of this sort; but as there was no plaintiff, and no stolen property was found in his possession, no papers were prepared in his case. As regards Ghulam Ali, (so called through a clerical error, his correct name being Ghulam Muhammad,) the particulars are these. He was sent to me, from the Chandni Chowk Police Station, with a written statement of the case against him, to wit, that the following stolen property had been found in his possession:—

Brass Vessels, the property of Jammanji Cashmiri.

Sheep and Goatskin shoes, belonging to Muhammad Ali, seller of shoes, clothes and other things, the property of Ghulam Haidar Khan.

In the investigation, at the Chief Police Station, the charge having been conclusively proved by the written statement of the subordinate Police Officer, by the testimony of witnesses, and by Ghulam Ali's own confession, the property was made over to the claimants on their several receipts, their ownership being first fully ascertained, and a full statement of the case, together with the papers received from the subordinate Police Station, was forwarded to your Majesty. In reference to the prisoner, in this case, it was specifically mentnioed in my report, that he had formerly been a Watchman in the division of the City known as the Turkoman, but that the Clerk of the Chandni Chowk Police Office had, on his own authority, removed him to the front of the Ashrafi-ka-Kutra. Per haps, the Clerk approved of these services of the Watchman! Accordingly, a copy of this report is present in the book of copies, amongst the petition from the Police Station, for the 15th July 1857. With advertence to the case of Khuda Baksh, on a reference to the Diary of this Police Station, it is ascertained from the entry for the 17th July 1857, that Khuda Baksh, Trooper, apprehended the prisoner, as one engaged in evil practices for a livelihood, and brought him to this Station, affirming that he, the Trooper, had lent a pistol to one Nunneh, son of Kaulia Khan, mendicant, that the prisoner had forcibly taken the pistol from Nunneh, and ran off with it, and that from that day he had been in hiding, and had only now been seized. This was the Trooper's charge, and it was confirmed by the testimony of Kaulia Khan, mendicant. The report in this case was forwarded to the presence of His Highness, the Commander-in-Chief, Sahib Mirza Moghal Bahadur, in view to orders being issued, but none have as yet been received. It is further submitted that search having been made in the Office of the Police Station, no receipt of the Royal Court on account of the papers in this case, could be found. The reason is that, frequently, when papers are forwarded, no receipts are given from the Royal Court, and it is accordingly a matter which cannot be helped. Such as the particulars were, they are submitted. For the future, great care will be observed, and when a prisoner is forwarded, the form of committal, the plaintiff and the proofs will be sent at the same time. All the subordinate Police Officers of the City have been made acquainted with the orders on this subject, and will carefully conform to them. (Prayers for the prosperity of the reign.) Petition of the slave, Syad Mubarak Shâh, Chief Police Officer of the City of Delhi, attested with the Seal of the Chief Police Office of the seat of Government, " Shahjahanabad."

NOTE IN A CORNER AT FOOT—" Copy taken."

No. 38.

ROYAL MANIFESTO OR PRCOLAMATION, WITHOUT SIGNATURE, CYPHER, OR SEAL, PROBABLY AN OFFICE COPY, KEPT FOR RECORD.

Dated 23rd July 1857.

To

ALL THE INHABITANTS OF THE TOWN OF ROHTAK.

Proclamation is made. That one man is not to stretch out the hand of violence against another, and that all are to continue in full subjection to the authority of the principal landholders, who are known to be the well-wishers of the State. Civil Establishments and a sufficient Military force will very soon be sent to make all necessary arrangements. Anxious concern for the welfare and comfort of his subjects is cherished by His Majesty; but all such as shall be guilty of acts of turbulence or disobedience against lawful authority, will be most severely punished. This Proclamation is therefore issued for public information.

No. 39.

PETITION of Mirza Moghal.

Dated 24th July 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That fourteen middled-sized horses, with some magazine cart drivers, have this day been seized and brought to your Slave, by some Infantry

Soldiers. The Drivers assert that these horses are their own private property. The truth of this statement can (not ?) be ascertained without an investigation. Your petitioner submits that, if he be so directed, he will, without entering into any inquiry, attach these horses to the Royal Artillery. Some of them are equal to the draft of Guns; but others being small and weak, are totally unfit; or if such is the Royal pleasure, these horses can, for the present, be kept here, till all the forms of a regular investigation shall have been gone through, when they can be sent to the Royal presence. Let instructions, agreeably to your Majesty's pleasure, be issued under the Royal signature, so that, in accordance with them, steps may be taken. It was necessary, and has been submitted. Petition of the slave Zohur-ud-din.

AUTOGRAPH ORDER BY THE KING IN PENCIL.

No. 859.

Institute an inquiry, and lay the result before the Royal presence.

NOTE BELOW ORDER—" Received 27th July 1857."

No. 40.

PETITION of Mubarak Shah, Chief Police Officer of the City.

Dated 25th July 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That information was brought at noon to-day, that a great crowd of Infantry Soldiers had assembled, and broken into the house of Alopi Prashad and Rurmall, Khatries, on the pretext of searching for Europeans. I immediately dispatched my Assistant to prevent excesses on the part of misconducted characters, and being still anxious, sent such other aid as appeared necessary. The Assistant returned and reported, that the Officer of the Regiment had sent him away, saying that he would preserve order, and that there was, accordingly, no necessity for the Assistant's presence. I have just now heard that no suspicious property or European was found in this search; but nevertheless, the owners of the house cannot but have suffered some loss, the extent of which it would be difficult to determine. I have further heard that the Soldiers have taken away the two owners of the house, and have placed them in arrest. The proceedings in this case were altogether at variance with the usage according to which search should be conducted, and by such proceedings the subjects are aggrieved and oppressed. In those cases in which the statements of the informers are deemed worthy of credit, no oppression or disgrace is inflicted on any person who is not guilty, if search is made after the established usage, by four or five trustworthy men, in company with the Police Establishment. I submit the petition for your Majesty's prerogative, to settle this matter. It was necessary, and has therefore been submitted. (Prayers for the King's prosperity.) Petition of the slave Syad Mubarak Shah Khan, Chief Police Officer. Seal of "the Chief Police Office of the Seat of the Imperial Government, Shahjahanabad."

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will quickly send the Officers of the Regiment, and will have these poor innocent men released from arrest.

No. 41.

PETITION of Imam Ulla Khan, Trooper.

Dated 26th July 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That your Slave's horse has become unserviceable, in consequence of a crack in one of his hoofs, and that, depending on your Majesty's fostering consideration for your home-born slaves, he trusts he may be allowed one month's leave of absence, that he may search for and bring another. (Prayers for the prosperity of the reign). Petition of the least of all home-born slaves, the Bargir,* Imam Ulla Khan, Trooper, attached to the Pay Department.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

The Officers of the Pay Department will give one month's leave of absence.

No. 42.

PETITION of Saligram, Proprietor of Bullock Train.

No date.

Date of King's Order, 28*th July* 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That your slave's Bullock Train, for passengers and parcels, had been long running between Delhi and Muttra. When the revolt of the Troops occurred, all his arrangements were deranged, and one of his waggons, which had been coming from Muttra, remained at the Arab Serai, in consequence of the disturbed state of the Country. The people in whose charge the waggon was left now decline being responsible for its safety, and importune your slave to have it brought away to Delhi. Your slave depends on your Majesty's kindness and consideration, therefore, to allow him the aid of a peon to have the waggon brought in in safety from the Arab Serai, and your slave will ever pray for your Majesty's life and prosperity. It was necessary, and has therefore been submitted. (Prayers for the prosperity of the reign.) Petition of the slave Saligram, proprietor of Bullock Train, subject of the King, resident of the Dariba. No date.

ORDER ON THE REVERSE, ATTESTED BY THE STATE SEAL OF THE KING.

Ordered, that the Police Officer submit a statement, dated 27th July 1857.

Separate slip attached, being a short abstract of Saligram's petition, with amplification of the King's order. "A waggon belonging to the petitioner is standing at the Arab Serai."

EXPOSITION OF ORDER.

Mirza Moghal Bahadur will send a peon with Saligram, Bullock Train proprietor, to have the waggon brought into the City, in safety.

POLICE OFFICER'S report of the order having been carried into effect.

To

THE KING! NOURISHER OF THE POOR!

YOUR MAJESTY,—Agreeably to the Royal orders, I have had the waggon made over to the claimant, by Tara Brahman, and his receipt for the same is submitted, under cover of this report. Dated 29th July 1857. Petition of the slave, Khwaja Nazir-ud-din Khan, Police Officer of Bhadrapur, staying at the Arab Serai. Personal seal of the petitioner, and that of the Bhadrapur Police Office.

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* Bargir is a Trooper in a Corps of Irregular Cavalry who has his horse found him.

SALIGRAM'S RECEIPT, ENCLOSURE TO POLICE OFFICER'S REPORT.

I, Saligram, son of Moti Ram, by caste Brahman, resident of Delhi, having left a waggon at the Arab Serai, in the charge of Tara Brahman, have now received the same, through the Police Officer of Bhadrapur, who is staying at the Arab Serai, agreeably to the orders of His Majesty the King. I have therefore given this writing, that it may remain as a testimony, and be of use. Dated 28th July 1857. Witnesses: Signatures in the Hindi character of Chajju and Maida, Shop-keepers of Arab Serai. Saligram's attestation by mark.

Order on the margin of the Police Officer's report, repeated on Saligram's receipt, without signature or seal.

" File in the Office." Dated 30th July 1857.

No. 43.

PETITION of Dundia Khan, farmer of the Old Fort.

No date.

Date of final order, 30th July 1857.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That your petitioner is a poor farmer, and has of old been your Majesty's subject. That he has claims against his tenants on account of the Autumnal crop, but cannot obtain payment from them, and that when he applies to them, they put him off with promises from day to day. He therefore depends on your Majesty's favor and goodness, and expects that an order will be issued to the Officers stationed in the Old Fort, to have the money which is due to your slave, realized for him, so that he may pay his instalment of the Government revenue. Your petitioner further submits, that if he is authorized, he will collect the revenue of the hamlets connected with the Old Fort, agreeably to the papers of the Village Accountants, and will bring it to the Royal presence, for now, it is being uselessly lost. In its reaching the Royal Treasury, your slave will have obtained distinction. Furthermore, your petitioner represents, that when he speaks to the farmers to carry on their sowings and the agricultural operations, in view to provide for future production, they do not heed his injunctions, and that, if some do take steps to cultivate their lands, the people of the army, camel drivers, &c., destroy their cultivation. Seeing them, cow-herds, &c, let their cattle loose into the fields, and when your slave remonstrates, the said camel-drivers come forward to resist him forcibly. Your slave's preservation or ruin is in your Majesty's hands, and he therefore prays that five Troopers, and a petty Officer of Cavalry, may be assigned to aid and protect him, so that his agricultural operations may be put in train of commencement, and when they have been sufficiently advanced, after a month or fifteen days, if your Majesty wishes, the Troopers may be recalled. Otherwise, how shall we, farmers, be able either to pay the Government Revenue for the present season, or support ourselves and our families, for we shall have been utterly ruined, and rendered houseless? However, your Majesty is master.* (Prayers for the prosperity of the reign.) Petition of the slave, of old nourished by his Majesty's salt, Dundia Khan, farmer, resident of the Old Fort. No date.

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* A form of expression frequently used at the end of petitions, to imply that it rests with the party petitioned to attend to the representation.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will peremptorily enjoin on the Officers of the Infantry Regiment staying in the Old Fort, that damage be not done to the cultivation of our subjects.

EXPOSITION OF AUTOGRAPH ORDER.

Mirza Moghal will peremptorily enjoin on the Officers of the Infantry and 7th Cavalry, that damage be not done to the cultivation of our subjects. (The order was evidently not correctly deciphered.)

Note in a corner at the top, bearing the Royal Signature.

Order without Signature, or Seal, apparently by Mirza Moghal.—Let the farmers of the Old Fort be summoned. Dated 28th July 1857.

The King's orders have been carried out. There is no need to summon the farmers. Dated 30th July 1857.

NOTE BELOW ORDER.—" Orders have been issued to the Officers of the Infantry, and the 7th Cavalry, stationed at the Old Fort."

No. 44.

PETITION of Mirza Moghal, and Mirza Khair Sultan.

Dated 6th August 1857.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That owing to the suspension of all remittances to and from the Country, there is at present a great scarcity of money, and unless a mint for coinage is set in operation, it will soon not be procurable. We, therefore, pray that your Divine Majesty's orders may be issued, that we slaves, making all necessary arrangements connected with the measure, may have the operations of coinage commenced. We therefore submit enclosed herein, a petition from a person offering to contract for the mint, and from your Majesty's kindness and favor, we expect that this tender of contract will be accepted. It was necessary, and we have therefore submitted it. (Prayers for the prosperity of the reign.) Petition of the slaves, Mirza Muhammad Zohur-ud-din, and Mirza Muhammad Khair Sultan.

AUTOGRAPH ORDER OF THE KING, IN PENCIL.

It is approved of.

No. 45.

ORDER UNDER THE AUTOGRAPH SPECIAL CYPHER OF THE KING, IN PENCIL.

Dated 7th August 1857.

To

BADR-UD-DIN ALI KHAN, SEAL ENGRAVER.

You are directed to prepare and present, executed in the best style of finish and design, and showing his titles, a Seal for the adviser of the State, the respected of the Country, our own special slave, Muhammad Bakht Khan, Lord Governor Bahadur, Controller of all matters Military and Civil. As is usual, insert the year of our reign 21 in the Seal.

NOTE IN THE MARGIN.—" Similar to the Royal cypher," meaning perhaps the same size as the special Seal of the King, engraved in the cypher.

Impression of a Seal in the margin illegible, with a note at its side. It is like Note on Reverse—" Copy kept."

No. 46.

ADDRESS, from Mirza Moghal, on the part of the King, attested with the Official Seal of the Commander-in-Chief, rambling and unconnected, and from the style, appearing to have been written from the King's dictation.

Dated 9th August 1857.

To

THE OFFICERS OF THE BULLUMTAIR (VOLUNTEER) PALTAN, 36TH[*] REGIMENT OF NATIVE INFANTRY.

The orders of the Royal presence are to the following effect.

In the first place, it is to be observed, that setting aside all regard for my own life even, I have done all in my power to satisfy and please the soldiery in every matter. The reason was, I had assured the Army that I should regard them as my own children. The petulance of one's own child has to be borne with, and so I have borne with yours, indulging you in all your wishes. But it is to be deplored that you have, notwithstanding, shown no concern for my life, and have had no consideration for my old age. It is incumbent on you now to reflect on my infirmities, and the changes my health is momentarily undergoing. The care of my health was altogether in the hands of the Physician, Ahsan Ulla Khan, who kept himself constantly informed of the changes it underwent. Now, there is none to care for me, but God, while the changes in my health are such as may not be imagined. All the Soldiers and Officers ought now, therefore, to gratify me in this matter, as I have even indulged them in every wish of theirs, and should remove the guard at present over the Physician, and release him from arrest, so that he may be at liberty to come and go, whenever he may think it necessary to examine my pulse. Moreover, if my enemy is instigating you, you should not heed his insinuations. Should any one insinuate suspicions against the Physician you should tell him to intercept some letter attested with his Seal; and bring it to you, that you may have proof that he is an enemy ; and that you will then yourselves punish him. Furthermore, the property that was plundered from the Physician's house belonged to the King. It is therefore proper that it should be traced and collected, and should be sent to our presence, and that the people, through whose instigation it was plundered, should be adequately punished, agreeably to the decision of the Court. If you are not disposed to comply with these requests let me be conveyed, in safety, to the Khwaja Sahib[†] I shall there sit and employ myself in the occupation of a Mujāwir[‡] and, if this even is acceded not to, I shall relinquish every concern, and go away.[§] Let those who think they can detain me, attempt to do so. Not having been killed by the hands of English, I shall be killed by yours. Further the oppression that is at present being inflicted on the people, is not inflicted on them, it is inflicted on me. It is incumbent on you all to take measures to prevent it. Or let me have my answer[‖], and I shall swallow a diamond and kill myself[¶] Moreover, on the plunder of the Physician's house, a small box containing our Seal was carried away. No paper, of a date subsequent to the 7th August 1857, bearing the impression of that Seal, will be valid.

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[*] This appears to be a mistake. The 38th Regiment Native Infantry was called the Bullumtair Paltan.

[†] A Shrine of great reputed sanctity near the Kutb.

[‡] Mujāwir, sweeper of a Mosque.

[§] In the original "I shall jump up" as one giving up an undertaking thoroughly annoyed and disgusted.

[‖] That is, tell me plainly that you do not intend to heed my wishes.

[¶] In the original, literally, I shall swallow a diamond and *go to sleep*. It is a prevailing idea in India that swallowing a diamond is an effectual means of suicide.

No. 47.

ORDER BY THE KING WITHOUT SIGNATURE, CYPHER OR SEAL.

(An Office Copy apparently.)

Dated 11th August 1857.

To

THE EVER FAITHFUL MUHAMMAD AKBAR ALI KHAN BAHADUR! RULER OF PATNAHI.

Consider yourself receiving favor, and know! That, agreeably to the representation of Durga Prashad, Registrar of Landed Proprietary Rights of the Districts of Patnahi, all the particulars of the outrageous conduct of Muhammad Khan Risaldar, against you, our special slave, and of your having gone away from Patnahi, in consequence of the said Risaldar having been killed by the farmers of the Ranghur caste, of the Patnahi District, as well as the devastation of your Territory, and the plunder of your property, by the peasantry of that part of the country, have fully come to our Royal knowledge. It has been clearly ascertained that the wounding and slaughter of the Risaldar and the Troopers who were with him cannot be ascribed to any thing but the said Risaldar's own misconduct, and you, our special slave, are therefore directed to return to your residence, and restoring your ancient demesne, in all confidence and assurance, to its former order and tranquillity, to continue obedient to our Royal orders. Understand, that your doing this will lead to your benefit and advantage. Be assured of our kindness.

NOTE ON THE REVERSE.—"Copy kept."

No. 48.

PETITION of Mirza Moghal.

No date.

Date of an Office Note as below, 18th August 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That your Majesty has directed me to pay 200 Rupees to be expended on repairs to the bridge, whereas already the daily hire of the laborer is paid every evening. There is no necessity, accordingly, for the payment of this 200 Rupees. There is no contract on account of the bridge, that the money should be given. The hire of the laborers is distributed to them daily, and now, too, it will be paid every evening. It was necessary, and I have therefore submitted it. (Prayers for the prosperity of the reign.) Petition of the slave Mirza Zohur-ud-din. No date.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will make the necessary arrangements.

NOTE ON THE FACE.—Received 18th August 1857. "This is to be kept with the receipts."

No. 49.

ROYAL MISSIVE, UNDER THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

Dated 20*th August* 1857.

To

OUR SONS, WASSIH ALI SHAH, SAFI-UD-DIN SULTAN MUHAMMAD, MIRZA BAHADUR, BAKHT BAHADUR, SON OF MIRZA MUZAFFAR BAKHT BAHADUR, MIRZA TAIMUR SHAH, SULTAN HUSEIN, MIRZA SAFARI SULTAN ZAIN-UL-AB-DIN, MIRZA SAFI SULTAN, SAFI-UD-DIN WASSIH MUHAMMAD MIRZA, SAFI SULTAN HYDER MIRZA, SAFI TEHMANSEB MIRZA, MIRZA ZIA-UD-DIN BAKHT, AND MIRZA KHURSHED KADR, SON OF MIRZA USMAN KADR.

Learn! That all the particulars of the ruinous hardships and distresses you, our Sons, have suffered in the province of Oudh, as embodied in your petition, have come fully to our Royal knowledge. In the wonderful changes now occurring, the will of God has come to pass. Nevertheless, hearing of these matters, fraught as they are with dangers, we have to some extent been grieved and concerned in mind. However, what the Great Almighty in His unbounded and universal mercy has willed, He has willed for the best, and that which may hereafter happen. Under all circumstances, preserve unanimity amongst yourselves, and stay in the quarter of Lucknow, called Aminabad; and pass your time in confidence of safety and protection from the present dangers. Please the ever-revered God! the present calamities and confusion will now, with His divine help, speedily come to an end. The appearances of order are already becoming manifest, and you will soon see reason for entire confidence reflected in the mirror of your own minds. Continue to cherish perfect assurance. Be assured of our kindness.

No. 50.

PETITION of Pirbaksh Beg, Tinker.

No date.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That your slave kept a tinker's shop in the precincts of the Palace, at which the culinary vessels and other articles of the Royal household were tinned, and that the Infantry Soldiers, having destroyed the forge, have taken possession of the house, and will not now be prevailed on to vacate it. Your slave, therefore, depends on your Majesty's gracious favor and consideration, for the issue of an order to Mirza Moghal, to the effect that he take your slave with him, and have the shop vacated, in order that your slave may resume his occupation of tinning the Royal vessels. It was necessary, and I have therefore submitted it. (Prayers for the prosperity of the reign.) Petition of the slave, Pirbaksh Beg, tinker, servant of the State. No date.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will have the matter settled agreeably to this petition.

No. 51.

PETITION of Mirza Moghal.

No date.

To

THE KING! SHELTER OF THE WORLD!

Translations having been made by one able to read English, it is ascertained that the three English papers found on Khabru, Sais, who was brought in by some

Cavalry men, are testimonials of good and satisfactory service, which have been given to him by the English.

Two Certificates of good character, from Harriet —— (the rest of the name, as written in the petition, is illegible) year 1853.

One Certificate of good service from (name, as written in the petition, illegible) Lieutenant, in favor of the same Khabru, year 1856.

Petition of the home-born slave Zohur-ud-din.

No. 52.

PETITION of the Shop-keepers of the Chatta.

No date.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That a body of Soldiery have established their residence immediately in the front of our shops, and we slaves are unable to open them in consequence. We pray, therefore, that in conformity with justice, orders may be issued to the Officers of the State, for the removal of these Soldiers from their present locality, or that, otherwise, the goods in the shops may be made over to us, in the presence of the servants of your Majesty's Government. (Prayers for the prosperity of the reign.) Petition of the slaves, the Shop-keepers of the Chatta.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will have their shops given to these shop-keepers.

No. 53.

THE PETITION of Ahmad Khan and Muhammad Khan.

No date.

To

THE KING! NOURISHER OF THE POOR!

RESPECTFULLY SHEWETH!—That we slaves having built a house, with one open hall and one room, at our own personal expense outside the Fort, on ground the property of the State, near Ellenborough Tank, for which we have paid ground rent, to your Majesty, for the last ten or twelve years, and had our residence there. Since yesterday, the Troopers of the Regiment of Cavalry, which left the Hayat-Baksh Garden, and has come out of the Palace, have forcibly occupied your slave's dwelling above referred to. We have, from antiquity, been your Majesty's home-born slaves and servants, and we accordingly depend on your fostering consideration, for the issue of a prohibition, against our being molested in the occupancy of our house. (Prayers for the prosperity of the reign). Petition of the slaves, Ahmad Khan and Muhammad Khan, Mace-bearers, servants of the King.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will issue orders that the Troopers were directed to encamp outside the City. They will accordingly now go out. If they require Marquees or Tents, they will be supplied with them. They must not oppress old residents. Let them indent on the Government for Tents and Marquees.

Transcript of the King's Order on the reverse in ink.

NOTE ON THE REVERSE.—" A written order has been issued."

No. 54.

PETITION of Bhutia, Land-holder of Farridabad.

No date.

To

THE KING! SHELTER OF THE WORLD!

YOUR MAJESTY!—This slave is a land-holder of Farridabad, and is a Silversmith by caste. The matter he has to submit is that 50,000 Rupees, more or less, belonging to the Government of the East India Company, are now present in the subordinate Revenue Office at Palwal. Some of the Ballabhgarh Rajah's Officials went there; but the land-holders of the place would not allow them to take the money. Your slave, therefore, prays that 100 Horsemen and 50 Infantry may be sent with him, that he may bring it away, and pay it into the Royal Treasury. Your zealous slave is exerting himself solely that he may obtain a subsistence. It was necessary, and is submitted. Further on perusal of this petition let orders be issued, and, with the Cavalry and Infantry, let a means of conveyance for your slave be also bestowed. Petition of Bhutia, land-holder of Farridabad.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will speak to the Officers of the Army, and will immediately take steps to send for this Treasure.

No. 55.

PETITION of Nabi Baksh Khan.

No date.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That it is manifest to your Majesty, that justice is approved of, and lawless cruelty condemned by the Creator of the Universe. I therefore pray, if in your Majesty's estimation it is proper to do so, that you should tell the Officers of the Army, who request your permission to slay the ladies, children, and other prisoners, that agreeably to their prayers, you placed your hand on their heads, and joined them in the cause of the faith; but that in killing the prisoners in question, you will abandon the tenets of your religion. That they must first obtain a Fatwa,* and a Bywasta,† and that, if these shall sanction the slaughter, they can slay the prisoners alluded to; but that your Majesty will not give an order on the subject, contrary to the laws of the Prophet; and that if they do not approve of this, they may first wreak their rage on your own Royal person. I trust that your Majesty's orders, agreeably to the suggestions above submitted, will be issued to the Officers of the Army, in a tone of decision. Considering it necessary I have laid the subject before your Royal presence. (Prayers for the prosperity of the reign). Petition of the slave, Nabi Baksh Khan, agent of His Highness Arsh Aramgah.‡ No date.

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* "Fatwa" — Legal opinion or decree of a Mahomedan Lawyer.

† "Bywasta" — Corruption of "Vyavastha" — Legal opinion or decree of a Hindu Pandit

‡ Arsh Aramgah, posthumous title of the late King Akbar Shah. "Arsh" the eighth or highest heaven. Aramgah" of rest. It is customary with some classes of Natives to speak of deceased Kings by their "posthumous titles.

No. 56.

ORDER UNDER THE SEAL OF THE KING DIFFERENT FROM THAT IN THE CYPHER.

No date.

SEAL.

The Father of Victory!
The Candle of Religion!
Muhammad Bahadur Shah, King, Defender of the Faith!

To

THE SPECIAL SLAVE, WORTHY OF KINDNESS AND FAVORS. THE LION OF THE STATE! THE HONORED OF THE COUNTRY! MUHAMMAD ABDUL RAHMAN KHAN BAHADUR.

The Tiger in battle! Receive our kindness and know! That owing to the occurrence of many unpleasant circumstances, and being unable in consequence of our advanced age, and debility of body to attend to the affairs of the Government and Country, we have now no desire left but to engage in such good works as are approvable to God and mankind, and to spend the remainder of our life in the service and worship of God. It is therefore our fixed resolve in our present griefs and sorrows, shortly to go in the garb of an ascetic (pilgrim), *First* with all the members of the exalted house of Taimur, to the shrine of his reverence Khwaja Kutb-ud-din, of eminent holiness, and arriving there, and making arrangements for all the necessaries of the journey, to proceed thence to the holy tabernacles (Mecca and Medina), may God increase the veneration and respect in which they are held! for this perishable world affords no certain dependence. You, our slave, are therefore written to, to come quickly to our Royal presence, with those of your retainers and attached followers in whom you may have the fullest confidence, in whatever way your doing so may be practicable, and accompanying us to the said shrine have all the property and chattels of the whole of the members of the Royal family conveyed thither in safety. Moreover, such cumbrous property as the Princes will not at the present time be able to take with them, they will leave in their several residences in the Palace, and for the protection of this, in concert with the Royal servants, you will station some of your Soldiers, and leaving also an adequate force for a few days at the said shrine, to protect our divine person till our departure for the holy house of God (Mecca) you will return to your fief (or freehold.) In acting thus you will secure our entire divine approval and pleasure, and your fame will likewise spread through mankind, that you, the selected from amongst all well-wishers, have at a time like the present, from regard for old relations (of Sovereign and subject) rendered services such as none others of our oldest proteges had the grace (or virtue) to afford. Accordingly, whatever haste you are able to make in this matter will be extremely proper and necessary. Be assured of our kindness. *Secondly.* There is no carriage whatever (procurable) here. Be sure, therefore, to bring 400 or 500 Carts, and 500 or 600 Camels with you. No date.

The Prisoner complaining of faintness, the Court adjourns at 20 minutes to 2 P. M., until 11 A. M. to-morrow.

THIRD DAY'S PROCEEDINGS.

FRIDAY, JANUARY 29TH 1858.

The Court re-assembled this day at 11 A. M. in the Hall of Special Audience in the Palace at Delhi. The President, Members, Interpreter, and Deputy Judge Advocate General are all present.

The Prisoner is brought into Court, and Ghulam Abbas attends as his assistant.

The Interpreter now peruses in the original, Persian papers, the translation of which was read by the Judge Advocate yesterday, *viz.*, down to No. 56.

Ghulam Abbas is now duly affirmed as a Witness.

EXAMINED BY JUDGE ADVOCATE.

Question.—Where were you on the morning of the 11th of May 1857, when the mutinous troops came from Meerut?

Answer.—I was at the entrance of this very Hall of Special Audience.

Question.—Relate all that you witnessed on that occasion.

Answer.—At about 8 o'Clock in the morning, I heard of the arrival of five or six Troopers of the Company's Cavalry, and of their being in front of the gilt dome over the King's special sitting-room. They cried out clamorously, upon which the King told his immediate attendants to ascertain who were making such noise. One of them went to the balcony, and had some conversation with the Troopers, and then returned with his report to the King. I don't know what report he made; but the King came out into the apartment adjoining the sitting-room above-mentioned, and called for me. The King then told me that these Troopers said they had revolted and come from Meerut, resolved on fighting for their faith, and killing the Europeans, and directed me to go immediately to Captain Douglas, tell him the matter, and request him to make suitable arrangements; the King at the same time directed one of the household attendants to close the gate under the sitting-room. I went to Captain Douglas as ordered, and explained my message. Captain Douglas immediately accompanied me, saying he would see what the matter was. He arrived at this Hall of Audience, and the King immediately came out and joined him; the King at this time was strong enough to walk about without other help than that of a stick. The King asked Captain Douglas if he knew what was the matter, and how it was that this force had come, and suggested that he should at once take steps or make any arrangements that might be necessary for the occasion. Ahsan Ulla Khan and I were both present at this time. Captain Douglas requested that the gate under the King's sitting-room might be opened, that he might go and speak to the Troopers. The King said that he would not allow him to do so, as they were murderers and might kill him also. Captain Douglas again tried to persuade the King to have the gate opened, but the King would not consent, and laid hold of Captain Douglas' hand, saying, "I wont let you go." Ahsan Ulla Khan at the same time took hold of Captain Douglas, other hand "saying, if you want to see and speak to these men, you can do both one and the other from the balcony." Upon this, Captain Douglas came up to the railing between the King's apartments and the Hall of Special Audience, overlooking the spot where the Troopers were collected. I accompanied Captain Douglas to the railing, and there perceived about 30 or 40 of the Troopers below. Some had their swords drawn, others had pistols and carbines in their hands, more were coming from the direction of the Bridge, accompanied by men on foot, apparently Grooms with bundles on their heads. Captain Douglas said to the Troopers "don't come here, these are the private apartments of the ladies of the Palace, your standing opposite them is a disrespect to the King." On this they gradually one by one went off in the direction of the Rajghat gate, and when they had all gone Captain Douglas went again to the King, who said, "have the gates of the Palace as well as those of the City closed immediately, lest these men should get in." Captain Douglas assured the King that there was no cause to fear, that it was his duty to attend to the business, and that he would go and make arrangements immediately. On this, both the King and Captain Douglas went each to their own apartments, and I and Ahsan Ulla Khan, the Physician, came and sat down in this Hall of Special Audience. After remaining about half an hour, we both went to Ahsan Ulla Khan's room in the Palace. We had been there about an hour when a servant of Captain Douglas came running with a message requiring the attendance of Ahsan Ulla Khan. At the request of the latter I went up with him. The man who had come for us said that Captain Douglas was in the key-room; but on nearing the place, we heard that he had gone back to his own quarters. It was at this time I noticed there was a good deal of smoke rising from the direction of the quarter of the City known as the Daryā-Ganj, and heard from some of the passers-by that it was caused by the Troopers having fired the bungalows. We thus went on to Captain Douglas' quarters over the Lahore Gate of the Palace. On reaching his room I noticed that Captain Douglas was in the third apartment, and we met Mr. Simon Fraser in the intermediate one. Ahsan Ulla Khan went on to see Captain Douglas, and I returned with Mr. Fraser agreeably to his request, who directed me to go and ask the King for two guns and some of his Infantry to protect Captain Douglas' residence. I and Mr. Fraser came down the stairs accompanied by another gentleman who was with him. Mr. Fraser had a sword sheathed in his hand, and the other gentleman, whose name I don't know, had a pistol in one hand, and a gun in the other. Mr. Fraser desired me to go quickly; he was himself on his way to the King, but I preceded him. On my reaching the King's apartments I sent word to him, when he came out of his sitting-room, and I explained to him Mr. Fraser's request. The King immediately gave orders to the men in attendance to take two guns and all the Troops that were present, with such of the Officers as could be found, to Captain Douglas' quarters. At this time Ahsan Ulla Khan arrived and told the King that Captain Douglas had requested that two palanquins might be sent for the two ladies that were staying with him, and that they might be brought away and concealed in the apartments of the ladies of the Palace. The King told Ahsan Ulla Khan to make arrangements, and he instructed the servants in attendance to take two palanquins with the proper complement of bearers, and carry them, not by the direct way but round by the Garden, so as to avoid the crowd of mutinous Troops who had by this time got into the Palace. The King, while these orders were being given, stood inside urging their completion, Ahsan Ulla Khan standing by him. After a short time, one of the servants who had gone for the palkees returned and reported that they had been sent, and very soon after, the attendant who had been sent with the palkees returned, and said that Mr. Fraser had been killed. This was shortly before 10 o'Clock. Ahsan Ulla Khan on this sent other men to see if the report was correct, and to get particulars of what was occurring, and to ascertain how and where Captain Douglas was. These men came back very soon after, and stated that not only Mr. Fraser, but Captain Douglas and the ladies and the other Europeans residing with them had all been killed. Hearing this, the King went inside, and Ahsan Ulla Khan and I came into the Hall of Special Audience in perfect bewilderment as to what should be done. Immediately after this two Companies of Infantry which were on guard at the Palace Gates, followed by the mutinous Cavalry that had come from Meerut, marched into the Court-yard of the Hall of Special Audience, and commenced firing their muskets, carbines and pistols in the air, at the same time making a great clamor. The King hearing the noise came out, and standing at the door of the Hall of Special Audience, told his immediate attendants to direct the troops to discontinue the noise they were making, and to call the Native Officers forward, that they might explain the object of such proceedings. On this the noise was quelled, and the Officers of the Cavalry came forward mounted as they were, and explained that they had been required to bite cartridges, the use of which deprive both Hindus and Mahomedans of their religion, as the cartridges were greased with beef and pork fat, that they accordingly killed the Europeans at Meerut, and had come to claim his protection. The King replied "I did not call for you, you have acted very wickedly." On this about one or two hundred of the mutinous Infantry, the Infantry from Meerut having also arrived by this time, ascended the steps and came into the Hall, saying, "that unless you the King join us, we are all dead men, and we must in that case just do what we can for ourselves." The King then seated himself in a chair, and the Soldiery, Officers and all, came forward one by one, bowed their heads before him, asking him to place his hand on them. The King did so, and each withdrew saying just what came into his mind. When the crowd became excessive I retired. The tumult and noise at this time was very great, all speaking loudly together. After a little while the King went to his own apartments, and the Troopers picketting their horses in the Court-yard, the mutinous Troops took up their quarters and spread their bedding in the Hall of Audience and placed guards all about the Palace. After this I went to Hakim Ahsan Ulla Khan's rooms and lay down. About 4, or it may have been after 4 o'Clock, in the evening, I heard the report of a great explosion, and on going out, observed a great column of dust in the direction of the Magazine. The people about at the time said that the Mutineers had attacked the Magazine; but I afterwards learnt that the British Officers in the place had blown it up. About 5 o'Clock I heard that the Mutineers had seized some Europeans, men, women and children, to the number of about seven or eight, and that they had applied to the King for permission to kill them; but that the King had asked the Sepoys to give their prisoners over to him and that he would have them kept in safe custody. They accordingly made them over on the condition that the guards should be furnished from among themselves. Upon this the King had them confined in some apartment, and issued orders that their food should be regularly supplied at his expense. After sunset I was intending to go to my house in the City, when on reaching the Court-yard of the Hall of Public Audience, I found a great concourse of Troops there also, and learnt that they were from the Delhi Regiments. After this I mounted my horse and went home. On coming to the Palace next morning, I learned that the guns, the reports of which I had heard at 10 or 11 o'Clock the night before, had been fired by the Delhi Native Battery as a salute to the King. I can't say whether it was on his assuming the reins of Government or any other cause. I then came on to the Hall of Special Audience, where I met Ahsan Ulla Khan, whom I asked if the King had decided on any measure to put down the disturbance. He told me that the King had despatched a letter on the subject by camel express to the Lieutenant-Governor at Agra, and about fifteen days after I again asked him if any answer had been received. He said that the camel rider had returned without a receipt or reply, but said he had delivered the letter, and was told a reply would be sent afterwards. After the occurrence of the first day I discontinued my regular attendance at the Palace, coming only occasionally once in three or four days, and even on those occasions I merely paid my respects to the King and then went away, and accordingly can't speak to after events.

Question.—Did you hear who had murdered Mr. Fraser? Was it done by servants of the King, or by whom?

Answer.—At the time, it was said the Soldiers had risen, and Mr. Fraser had been killed in the riot; but subsequently I heard that he had been cut down by a man who was a lapidary by trade, and had a shop in the Bazar immediately under Captain Douglas' residence. I am unable to say what the man's name was, or where he is now.

Question.—When the King put his hand on the heads of the Native Officers and Soldiers, what was the meaning of his doing so? Was it in acceptance of their services?

Answer.—It was equivalent to an acceptance of their allegiance and services; but I cannot say what the King's intentions were at the time.

Question.—When was it that the King's authority was publicly proclaimed in Delhi, or when was it that it was generally known that he had assumed the reins of Government here?

Answer.—I do not know of any regular proclamation having been made, though such may have been done without my hearing of it; but the very day of the outbreak the King's authority was established.

Question—Was it on this account that the guns were fired, as a salute to him?

Answer.—I don't know, all I heard was that the Artillery men fired it, as a salute on the occasion of their coming under the King's rule.

Question.—You know how many guns were fired on this occasion?

Answer.—The usual Royal salute I think, about 21 guns.

Question.—On what day did the King hold his first public Court?

Answer.—He commenced holding his Court daily from the very day of the outbreak; the audience he gave the Troopers may be considered as the first Court he held.

Question.—Prior to the outbreak, had you been a frequent inmate and associate of the King and his family?

Answer.—I used to come to the Palace daily, and interchange of all communications between the Agent of the Lieutenant-Governor and the King was carried on by me. I was a servant of the King's, but had been appointed through the influence of the late Sir Theophilus Metcalfe.

Question.—Had you any opportunities of knowing of what passed in the Palace, or the general subjects of conversation that were indulged in prior to the outbreak?

Answer.—I had such opportunities; but I never heard anything in particular.

Question.—Were you so much in the confidence of the King, or of those about him, as to be likely to be entrusted with any secrets or measures that they might wish to conceal from the British Government?

Answer.—I was not among those who would be likely to be consulted, or informed of such matters; but Ahsan Ulla Khan and Khwaja Mahbubali Khan were more likely to be entrusted.

The Court at 4 o'Clock adjourns till 11 A. M. to-morrow.

FOURTH DAY'S PROCEEDINGS.

SATURDAY, JANUARY 30TH 1858.

The Court re-assembled this day at 11 A. M. in the Hall of Special Audience in the Palace at Delhi. The President, Members, Interpreter and Deputy Judge Advocate General are all present.

The Prisoner is brought into Court.

Ghulam Abbas the Witness is re-called, and examined on his former affirmation.

EXAMINATION BY JUDGE ADVOCATE.—*(Continued.)*

Question.—Had you before the outbreak any opportunities of becoming acquainted with the Prisoner's handwriting?

Answer—Yes, I used frequently to see his writing, and should be able to recognize it.

Question.—In the papers submitted to the Court, and which purport to bear the Autograph writing of the Prisoner, and his Seal, have you any reason to object on account of their not being genuine?

Answer.—The generality of the papers bear the writing of the King; there may perhaps be a doubt about one or two.

Question.—Were you present when any women and children of European descent were murdered in the Palace?

Answer.—No. I was not in the Palace ; but I heard afterwards that some had been murdered.

Question.—Do you know by whom they were so murdered? Was it by the Soldiery or by the Prisoner's own servants?

Answer.—I can't speak positively on the subject ; but when I came into the Palace two or three days after, I asked Ahsan Ulla Khan why he did not use his influence to stop the slaughter. He said, he did all he could ; but the Mutineers would not be restrained.

Question.—Did Ahsan Ulla Khan give you to understand that he was present on the occasion ?

Answer.—No, he didn't distinctly mention whether he was present or not.

Question.—How many Europeans were murdered on that occasion ?

Answer.—I did not know the number before, and it is just possible that I may have heard it, and may have forgotten ; but I now learn, that is within the last ten or fifteen days, that the number was about 50, including women and children.

Question.—Were these women and children murdered with the Prisoner's consent?

Answer.—I have no further knowledge on the subject beyond what I heard from Ahsan Ulla Khan, who said that the King had prohibited the slaughter, but unavailingly.

Question.—Do you know whether a diary of events was kept during the rebellion by any of the King's Servants, and if so, who wrote it?

Answer.—I do not know whether one was kept or not ; one was kept before the outbreak.

Question.—Was Mirza Moghal, the King's son, appointed the Commander-in-Chief of the Rebel Army in Delhi, and if so by whom and when ?

Answer.—Mirza Moghal was certainly appointed Commander-in-Chief of the Army, and it was generally said that he had been appointed by the King in compliance with the request of the Army.

Question.—Previous to the outbreak, had you ever heard of any discontent in the Native Army ?

Answer.—Yes, I did hear that in Calcutta two Regiments had mutinied in consequence of having to use greased cartridges, and that they had been disbanded.

Question.—Before the outbreak at Delhi, did you hear that the Regiments at this Station were in any way dissatisfied ?

Answer.—No.

EXAMINED BY COURT.

Question.—Did you at any time after the murder of the Europeans, see either bodies, blood, or other traces of such murders having been committed ?

Answer.—I saw nothing of the kind.

Question.—Do you know the spot where these women and children were murdered?

Answer.—I heard they were murdered in the first Court-yard, as you enter the Palace from the Lahore Gate, near the Cistern ; people about the place mentioned this, but did not point out the exact spot.

Question.—Do you know what became of the bodies ?

Answer.—I don't know how they were eventually disposed of ; but I heard they were removed in carts.

RE-EXAMINED BY JUDGE ADVOCATE.

Question.—Do you know whether these women and children were imprisoned before being murdered, and if so, where ?

Answer.—I heard they were imprisoned, and were kept confined in the King's kitchen, or in an apartment adjoining.

Question.—How many days were they confined ?

Answer.—About a week or ten days.

Question.—Who kept the Prisoner's State Seals during the rebellion ?

Answer.—They used to remain in the Prisoner's private apartments.

Question.—Was the use of them entirely under the control of the Prisoner ?

Answer.—The Seals were never affixed, but with the King's authority.

The Prisoner declines to cross-examine.

The Witness resumes his seat as assistant to the Prisoner.

The following papers in Persian, under the head Miscellaneous, from No. 57 to 78, having been fully established as genuine before the Court on the trial of the Rajah of Ballabhgarh; are now received without further evidence regarding them, and the translations are read and entered as follows :—

The papers in the original Persian are also read to the Prisoner.

Papers arranged under the head of Miscellaneous.

No. 57.

ORDER FROM THE KING, UNDER THE STATE SEAL

No date.

To

THE SPECIAL SLAVE, WORTHY OF FAVOUR AND KINDNESS, RAJAH NAHAR SINGH BAHADUR.

Know ! That we have heard that you have appointed a Police Officer, of your own, to Bhadrapur ; one, however, by name Nazir-ud-din Khan, already stands appointed by the Government, and he is now present in 'Arab Serai. You, our slave, will therefore, according to the dictates of your own devotion, dismiss the man you have nominated.

No. 58.

PETITION of Rajah Nahar Singh, of Ballabhgarh.

No date.

To

THE KING, SHELTER OF THE WORLD ! DISPENSER OF JUSTICE ! &C.,

RESPECTFULLY SHEWETH !—That, as the state of the road to Delhi was very unsettled, your slave has, according to your Majesty's orders, been engaged, night and day, in instituting the most efficient arrangements. Still, however, the lawless inhabitants of the Village of Pali, which adjoins the Ballabhgarh boundary, and which, during the Foujdaree* was attached to this State, have broken out into reckless and lawless violence ; and have so taken to highway robbery and plunder, that the whole population is in great distress in consequence, notwithstanding that I, your slave, am bringing them into order little by little, yet still I cannot venture to act, to any full extent, without your Majesty's orders. If your Royal permission is granted, such efficient arrangements will be adopted, that these miscreants and rebels of the said village, will not have the daring to continue in their present practices, and the arrangements along the road, from Ballabhgarh to Delhi, will be perfected. Further, I have heard from some persons who had requests to make to me, that it has been represented to your Majesty, that the Chief of Ballabhgarh has secreted two Englishmen, with their wives and children. God is witness that this is entirely a false and unfounded calumny. How could your slave dare to commit an act of the kind, without your Majesty's wishes and orders! A native, however, who was formerly a Christian, had been twelve years in my service; but I put even him away, fearing your Majesty's displeasure. This man has now discarded Christianity, and embraced the Mahomedan religion, and he is accordingly deserving of mercy and forgiveness. If your Majesty permits it, I shall have him recalled. (Prayers for the prosperity of the reign.) Petition of the ancient slave and servant, Nahar Singh Chief of Ballabhgarh. Seal of Rajah Nahar Singh Bahadur.

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* By this term is meant the time when the Rajah of Bhartpur held his principality under the Mahomedan Government, in consideration of certain sources which were assigned to him, and which were called the Foujdaree. Hence it is that the Jats of Bhartpur and the surrounding districts call themselves Foujdars, and even when asked their castes, replied that they are Foujdars.

No. 59.

PETITION of Nahar Singh, Chief of Ballabhgarh.

No date.

To

THE KING! LORD OF MANKIND! SHELTER OF THE WORLD, &C.!

RESPECTFULLY SHEWETH,—That your Majesty's order, directing my attendance at the Court as of old to superintend and direct the Police arrangements of the City of Delhi and its environs, accompanied by a second order to give my attention to the protection of the road, and to use measures for the safety of travellers, supplies, &c., has been received. I declare it solemnly as the truth, that considering myself exceedingly honored and exalted in receiving these orders, I offered my thanksgivings, with humble prostrations, in the house of God. May He condescend to accept my midnight prayers and for ever preserve your Majesty in prosperity and good fortune.

My Lord! Although by the influence of your Royal auspices, the most complete tranquillity exists in this your slave's territory, for that I am night and day engaged making arrangements, and maintaining order, still some refractory and turbulent characters, inhabitants of the village of Pali, which adjoins the Ballabhgarh boundary, and the rebels and reckless characters of the town of Palwal likewise, which also is near the boundary, have become so insurrectionary, and have so entirely adopted a course of highway robbery and plunder, that how shall I describe it? Although, from certain prudential considerations of my own, as well as on the request of the Revenue and Police Officers, and registrars of landed proprietary rights of the said town, I have made arrangements to some extent, by affording them the aid of some Cavalry and Infantry; but, without your Majesty's orders, I do not wish to interfere to the degree which is necessary and desirable. I have enlisted new horse and foot levies for the efficient protection of the high road from Ballabhgarh to Delhi, and am night and day occupied in arrangements to maintain order. I am your ancient and hereditary slave, and as I may be ordered, so will I act, God willing! I shall shortly realize the honor of presenting myself before your Majesty, after efficient arrangements and tranquillity shall have been established, for certainly, the existing state of things is disgraceful, and involves the dread of the Royal displeasure. It was necessary, and I have therefore submitted it. (Prayers for the prosperity of the reign.) Petition of the home-born slave, Nahar Singh, Chief of Ballabhgarh. Seal of Rajah Nahar Singh Bahadur.

No. 60.

PETITION of Ahmad Ali, confidential Agent of the Rajah of Ballabhgarh.

No date.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That on his departure from this, some time ago, agreeably to your Majesty's orders, to attend to the arrangement in his territory, the Rajah left certain necessary articles here, such as clothes, &c., which he has now sent for. I pray, therefore, that a passport may be granted, to the effect that the Carts coming from Ballabhgarh are not to be molested by any one, and that when the things are being sent, the Soldiers at the Delhi Gate are not to oppose any hindrance. (Prayers for the prosperity of the reign.) Petition of the menial slave, Ahmad Ali, confidential Agent of the Rajah of Ballabhgarh. Seal of Ahmad Ali.

Mirza Moghal will have the pass made out and given.

No. 61.

PETITION of the Rajah of Ballabhgarh.

Dated 20th May 1857.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That previously to this I have submitted several petitions, but have not been honored with a reply to even one. I now again submit that the refractory inhabitants of the village of Pali, &c., have taken to committing highway robbery and plunder in all directions, and are grievously oppressing the populace and subjects. Although I have brought the said village, little by little, into some order, I cannot nevertheless, without your Majesty's orders, presume to act with confidence in any matter. I am engaged, night and day, raising new Cavalry and Infantry levies. Besides this, my health is frequently affected by the adverse state of the weather. Setting this aside, however, I shall make efficient arrangements and provision against all the refractory and rebellious characters of this District; and will then present myself at your Majesty's Court. I have sent Kalandar Khan, Risaldar, to the Royal presence, with some Cavalry and Infantry, agreeably to your Majesty's orders; as he is directed so he will act. Petition of the hereditary slave, Rajah Nahar Singh, Chief of Ballabhgarh. Seal of Rajah Nahar Singh Bahadur.

No. 62.

PETITION of the Rajah of Ballabhgarh.

Dated 21st May 1857.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That by your Majesty's order, the protection of the high road to Delhi, and the arrangements of the Police Station of Bhadrapur, had been assigned to your devoted petitioner. Nevertheless, since another Police Officer has been appointed by your Majesty, I have, agreeably to your orders, dismissed the whole of the Establishment of the said Police Station, and have installed your Majesty's nominee. I had despatched Kalandar Baksh Khan, Risaldar, with some Cavalry and Infantry, agreeably to your Majesty's orders, to assist in the arrangements; but when they arrived at the gates of Delhi, they were prevented entering the City; and the Guards told them that they should first give up their arms. Your Majesty knows, that a Soldier's arms are his decorations and adornment, and his remaining in attendance without them would be improper, as inconsistent with the profession of Soldiery. They therefore returned, and have temporarily taken up their residence in the Old Fort. Let an order, therefore, be issued, that these men may come before your Royal presence; and devoting their lives, may zealously engage in all necessary and becoming services. I, who am your ancient servant, consider that obeying your commands advances my dignity. I learn from the Clerk of the Bhadrapur Police Office, and submit the same for your information, that the Police Officer appointed by your Majesty has arrived. (Prayers for the prosperity of the reign.) Petition of the slave and ancient servant, Nahar Singh Bahadur, Chief of Ballabhgarh. Seal of Rajah Nahar Singh Bahadur.

No. 63.

PETITION of the Rajah of Ballabhgarh.

Dated 22nd May 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That your Majesty's orders, with which your slave has been honored, whether as regards the arrangements for the protection of the highroad from Ballabhgarh to Bhadrapur, and thence on to the Delhi Gate, or in the village of Pali, and towns of Palwal and Fattehpur, and other places, have, by the blessing of God, and your Majesty's auspices, been effectually carried out, and Police and Revenue Officers have everywhere been established. The efficiency of your slave's measures and arrangements have become generally known, in so much that it must have come to your Majesty's hearing also. Adoration of the World! Some thoughtless characters, enemies and rebels against this State, who have absconded after committing every injury in their power, and who are now amongst those who present themselves at the Royal Court, are not pleased at hearing of the success of the above arrangements, and desire that disrepute should be made to attach to my good name and exertions; and they even instigate the regular Infantry Soldiers, stationed at the City Gates, against me and my servants. I fully believe it probable that, in their stupidity, they may even to your Majesty, utter sentiments prejudicial to your hereditary slave; but let not their allegations ever be believed; for formerly too it was their practice, from feelings of enmity, to speak disparagingly of your slave; and then too their calumnies used not to be heeded in the least. I pray, therefore, that from a regard for proper arrangements, your Majesty will, with due consideration, peremptorily order the regular Infantry Soldiers at the Gates not in any way to object to, disagree with, or hinder the servants of the Ballabhgarh State in any matter whatsoever, otherwise detriment to the arrangements will ensue—to arrangements which have been made for the protection of your subjects, solely in conformity with your Majesty's orders. Further, your Majesty is master, and I am your old servant. In carrying out your Majesty's orders, I wish that nothing like the least deficiency should occur; and accordingly, the enlistment of Cavalry and Infantry to be employed in keeping order, is going on. In a short time hence, I shall send some more Cavalry and Infantry for the Police and other general arrangements. Your slave is under all circumstances devoted in heart and soul. (Prayers for the prosperity of the reign.) Petition of the ancient slave and servant, Nahar Singh Bahadur, Chief of Ballabhgarh. Seal of Rajah Nahar Singh Bahadur.

No. 64.

PETITION of the Rajah of Ballabhgarh.

Dated 24th May 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That I have had the very great honor to receive your Majesty's letter, intimating the issue of orders to the Guards at the Gates, prohibiting their interference with the servants of the Ballabhgarh State; granting my Cavalry and Infantry permission to encamp under the Palace windows; and, at the same time, with your wonted kindness, directing my attendance at the Royal Court. For the very great honor conferred on me by this order, I made my offering of thanks in humble prostrations before God. May God ever preserve your Majesty in the enjoyment of every blessing.

Adoration of the World! I, your devoted slave, consider obeying your orders, my happiness. But, owing to the necessity for arrangements, to put down the rebellious characters of the Village of Pali, &c., I have been helpless and unable to appear at the Royal presence. But, please God! I shall have much happiness in doing so, after the disturbers of the peace of the surrounding Country shall have been effectually brought into subjection. My Lord! This is Sunday, and according to my usual custom, I went to take an airing in the Dilkhusha garden. While I was there, the new moon of the festival of the Eed appeared, and was about the same time distinctly seen by all the residents of this place. From regard for my obligations, as your home-born slave, I offer my wishes that this good news, full of promise, namely, the festival of the Eed, which is an occasion for rejoicing, may be the forerunner of good fortune and happiness to your Majesty. (Prayers for the eternal prosperity of the reign.) Petition of the slave and servant, Nahar Singh, Chief of Ballabhgarh. Seal of Rajah Nahar Singh Bahadur.

No 65.

PETITION of the Rajah of Ballabhgarh.

Dated 25th May 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That I yesterday submitted a petition, connected with the state of affairs, from which every particular must have come to your Majesty's knowledge. By God's blessing, and your Majesty's good fortune, the arrangements, up to the Delhi Gate, and in the country around this District, are now perfect. It is necessary, in my opinion, however, to place one Police Officer of the lower grade, and ten Soldiers, at the Hanuman Station, and one Police Officer and twenty-five Soldiers, at Mahrowli. After that, through your Royal prestige, the arrangements will be thoroughly complete. If your Majesty is pleased to issue orders to that effect, the proposed arrangements shall be made for both places. (Prayers for the eternal prosperity of the reign.) Petition of the home-born slave Nahar Singh, Chief of Ballabhgarh. Seal of " Rajah Nahar Singh Bahadur."

No. 66.

PETITION of the Rajah of Ballabhgarh.

Dated 27*th May* 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That I have had the very great honor of receiving your Majesty's order, directing the suppression and prevention of the crimes of murder and pillage; and my sending 20 horsemen to the Police Stations of Mundka and Shahdari, to preserve order and arrangements there. Feeling myself highly honored and distinguished I have offered up my thanks in humble prostrations before God. Adoration of the World! I shall speedily make arrangements to despatch the horsemen, as I am ordered by your Majesty; but, in the meantime, some of my servants are being sent to look after the place, agreeably to your Majesty's orders. I am unceasingly engaged in arrangements and plans for the prevention of crime; but now the ill-conducted and refractory Goojurs, Mewattees, and other castes have discovered a more determined spirit of violence, and are daily resolved on making a sudden attack on the town of Farridabad and even on Ballabhgarh itself. But as the blessing of God, and the influence of your Majesty's prestige, are both in my favor, I shall certainly make effectual arrangements, and will then shortly realize the honor of waiting on your Majesty, for this is my earnest desire. (Prayers for the prosperity of the reign.) Petition of the home-born slave, Nahar Singh, Chief of Ballabhgarh. Seal of Rajah Nahar Singh Bahadur.

No. 67.

PETITION of the Rajah of Ballabhgarh.

Dated 30*th May* 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That some days have now elapsed, that I have not been made acquainted with the continuance of your Majesty's good health, and I have been anxious in consequence. May God preserve you in prosperity and happiness. From your Majesty's order to the address of Moulavi Ahmad Ali, I have to-day learned the circumstance of the plunder of the carts at Bhadrapur. I have accordingly, in conformity with your Majesty's commands, issued stringent injunctions to the Police Officer at Bhadrapur to search for and trace out the property and the offenders. Please God, the matter will be thoroughly investigated. I have just now sent off 20 more horsemen to your Majesty, to be employed in maintaining order. I mention this for your information. (Prayers for the prosperity of the reign.) Petition of the home-born slave, Nahar Singh, Chief of Ballabhgarh. Seal of Rajah Nahar Singh Bahadur.

AUTOGRAPH ORDER BY THE KING IN PENCIL.

The contents of this petition have been learned. This slave is our well-wisher.

No. 68.

PETITION of the Rajah of Ballabhgarh.

Dated 28*th May* 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That I yesterday sent an answer to your Majesty's missive, and it must have come under your perusal. Through God's blessing, and your Majesty's auspices, there is complete tranquillity in every respect throughout this District to-day. I send 5 Goldmohurs as a congratulatory offering, on account of the festival of the Eed-ul-Fitr. As a mark of favor and regard for your home-born slave, let this offering be accepted. (Prayers for the prosperity of the reign.) Petition of the home-born slave, Nahar Singh, Chief of Ballabhgarh. Seal of Rajah Nahar Singh Bahadur.

AUTOGRAPH ORDER BY THE KING, IN PENCIL (illegible).

No. 69.

PETITION of the Rajah of Bullabhgarh.

Dated 31st July 1857.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That your Majesty is fully aware how entirely my former Officials had the most complete authority in every matter, and how unreservedly every business was confided to their care. These men, in their short-sighted cupidity, embezzled and made away with property worth Lacs of Rupees. When the secret of their misconduct became disclosed, and I took steps to compel them to render their accounts, and to make restitution for the deficiencies, they one and all, upon one plea or another, went off to Delhi, where they are now residing in their respective homes. So little do they dread being brought to account by your Majesty's Officers, that they have prepared themselves for further acts of ingratitude, and use their worst endeavours to the prejudice and injury of all cases connected with this State, which happen to come before your Majesty's Government. Thus, for instance, your Majesty having been more than ever graciously disposed towards this slave, these men have succeeded, by their false and unfounded representations, in making me the object of your aversion and anger; for they have made you believe that, while I am professedly a servant of the State, in heart I am a friend to the English, that I am collecting stores of lead and powder with traitorous designs; and that I have closed the high road to all travellers and traffic. So completely have your Majesty's feelings of gracious kindliness been changed for those of anger, displeasure and resentment, that Ahmad Ali, who was the trusted Agent of your distrusted slave, and who remained in attendance at your Royal Court, feeling himself in utter disgrace, has come away to this place, at the same time that Kalandar Baksh Khan, Risaldar, who had been in attendance according to your Majesty's own orders, has received his dismissal. Your exalted highness, all that my enemies have alleged, adverse to my interests, are lies which must in the end fail of their object. They trust by such conduct as they have been pursuing, to impress your Majesty with a firm belief of their own zeal and devotion, hoping, by this means, to secure immunity from all question or inquiry on the part of the Officers of your Majesty's Government, and the quiet and unmolested enjoyment of the immense riches they have amassed by their frauds against this State. My ancestors and I have ever been the ancient and hereditary devoted slaves and servants of this exalted dynasty, and have never entertained an idea of disloyalty against you, who dispense mandates to the six cardinal points* and the seven kingdoms of the world. For unalloyed gratitude and fidelity, I am as silver which has been thoroughly tried. If you test me a hundred times, I shall not fail in the test The proof of this profession and statement is this. Before the present disturbances I was staying at Delhi on some business. If I did not cherish the most heart-felt devotion and fidelity for your Majesty even then, how was it that I made proposals through the Superintendent, Mir Fatteh

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* The six cardinal points are the East, West, North, South, Zenith and Ndir.

Ali Sahib, that I might be allowed the honor of an interview? If the obligations of fidelity and loyalty were not impressed in their brightest colors on the tablet of my heart, how was it then that this secret and long-cherished wish should have been disclosed, and should have received expression in words? Let my enemies do what they please. I your ancient slave, shall still, under all circumstances, continue your devoted well-wisher--

" My eyes will not take the impression of any face but yours,
" My mirror will not reflect the countenance of a stranger."

Moreover, although I your ancient slave, profess the Hindoo religion, having observed the conduct and behaviour of those who say that God above is supreme, I have remained in subjection to the guidance of the leaders of the Mahomedan faith, in so much that, although from the first existence of the town, there had been no Mahomedan Mosque, either in the Fort or outside in the market, I have caused a lofty one, for congregational prayers, built of stone, to be erected within the Fort itself. I have, moreover, had an Eedgah, a place set apart exclusively for prayers at the festival of the Eed, built near my garden called the Dilkhusha, to encourage and conciliate the Mahomedans. I your ancient and eternal well-wisher, have ever desired that the Mahomedan faith should be extensively proclaimed. Your Majesty! let your displeasure now be changed for feelings of graciousness, and let me, who am an expectant of your kindness, be as before, regarded anew with eyes of favor and benevolence, and let not your Majesty give credence to the false allegations and absurd statements of my enemies and adversaries—

" Be watchful against your associates in position,
" For water, though pure by nature, is the rival of the mirror."

Moreover, in your unbounded favor and graciousness, let orders be issued to the servants of your Majesty's Government, to seize the above enemies and inimical characters, and to make them over to me, so that their villainies may come to an end, and the cloud of your Majesty's displeasure and anger may be dispelled; and that I may bring them to an account for my losses, amounting to Lacs of Rupees. As regards the petition presented to the Lord Saheb Bahadur by Rustam Ali, a resident of Kuraoli, that Gaindah and others, eleven persons, were taking two carts laden with wheat and wheat-meal, as supplies to Delhi, and that the Rajah's Police Officer seized and sent them to Ballabhgarh, where the freight of the carts were confiscated, I urge that the statements of the petitioner are altogether false, and contrary to facts. The true features of this business, without reserve or exaggeration, are. Gaindah, who is a leader of ill-conducted characters and highway robbers, had, in the first instance, accompanied by some desperados, residents of his own village, plundered the village of Nuglee, in the Bhadrapur jurisdiction, and conveyed the booty to his own and adjoining villages. Subsequently, bent on plunder, they made a raid on the village of Mugrowlee, in the Ballabhgarh jurisdiction. By the merest chance, the Police and Revenue Officers of Farridabad happened in their patrolling excursion to come to the Magrowli boundary, and saw what was going on, when these plunderers and highway robbers immediately consulted their safety in flight; but the Revenue Officer acting with decision and promptitude, seized some of the miscreants, and having pinioned their arms, forwarded them to the Criminal Court of this place. The file of papers compiled in this case is forthcoming. If, in proof of what is here stated, it be so ordered, the original, or a copy, as may be required, shall be submitted for your Majesty's inspection, when you will be thoroughly informed of all the facts. The case of the Buggy and Nabi Baksh Merchant is similar. The particulars of this matter are, that my servants had purchased the Buggy, which has been attached from a Brahman Subadar of the 11th Regiment of Native

Infantry, and Nabi Baksh Merchant was proceeding in it to Ballabhgarh. So pray your Majesty! certainly inquire into this case. As one or two English letters were found in the Buggy, I solemnly swear by God, that I, or my servants, have no knowledge of them whatever, as to who is the writer, who the addressed, or what their purport. It accordingly appears evident that some enemy of this State has had these letters written surreptitiously, by some one acquainted with English, and has had them concealed in the Buggy. Let your Majesty certify yourself of the truth of all that is here submitted, by the testimony of the priests, at the shrine of Muhammad Shah Nizam-ud-din. May he ever be blessed. I beg I may be honored with a favorable reply to this petition. Prayers for the prosperity of the reign. Petition of the slave, Rajah Nahar Singh Bahadur, Chief of Ballabhgarh. Seal of Rajah Nahar Singh Bahadur.

No. 70.

PETITION of the Rajah of Ballabhgarh.

Dated 5th August 1857.

To

THE KING! &c., &c.

[After a long preamble of the most fulsome and unmeaning compliments.]

RESPECTFULLY SHEWETH!—That blessed and happy is the lot of those who enjoy the bliss of remaining in your Majesty's presence. Although I have not been able to realize this happiness, and am still actually at a distance, but, with a hundred solemn assurances of my good intentions as of old, and with a thousand sincere professions of my fidelity as throughout time immemorial I ever had, I nevertheless feel as though I were amongst those who are immediately near your exalted throne. Humbly and respectfully presenting my congratulations, I send 8 Gold Mohurs, as an offering of felicitation on account of the festival of the Ed, and trust they will be condescendingly accepted. Prayers (the most extravagant) for the prosperity of the King, and invectives and curses the most rancorous and bitter against his enemies.

For your Majesty	5 Gold Mohurs.
For the Queen	2 Ditto.
For the Prince, Mirza Jawan Bakht	1 Ditto.

Petition of the slave Rajah Nahar Singh Bahadur, Chief of Ballabhgarh. Seal of Rajah Nahar Singh Bahadur.

No. 71.

ORDER BY THE KING, WITHOUT SIGNATURE, CYPHER, OR SEAL

Dated 8th August 1857.

To

RAJAH NAHAR SINGH.

Your petition with an offering of 8 Gold Mohurs has been received; and has been the means of confirming our confidence on your good intentions. As you are a hereditary slave, it is incumbent on you not to neglect any one of the obligations of fidelity and devotion. Be assured of our kindness.

For myself	5 Gold Mohurs.
For the Queen	2 Ditto.
For Mirza Jawan Bakht Bahadur	1 Ditto.

No. 72.

ORDER BY THE KING, WITHOUT SIGNATURE, CYPHER, OR SEAL.

Dated 9th August 1857.

To

THE SPECIAL SLAVE, WORTHY OF KINDNESS AND FAVOR! RAJAH NAHAR SINGH BAHADUR.

Consider yourself receiving the Royal favor, and know that your missive sending a present of 8 Gold Mohurs as a present of congratulation on the occasion of Eed-i-azha has not removed my displeasure in the least. As it has not been the custom of this Court to return such presents, yours has been accepted. It is imperative on you to follow in the path of your father and your grandfather, and from your heart to engage in acts of devotion and zeal. Be assured of our kindness.

No. 73.

PETITION of the Rajah of Ballabhgarh.

Dated 14th August 1857.

To

THE KING! VICAR OF GOD! &C.

RESPECTFULLY SHEWETH,—That I have had the very great honor to receive your Majesty's missive, acknowledging the receipt of my congratulatory present, on the occasion of the festival of the Eed. I have considered myself highly honored and distinguished; but where is the tongue, or where the language with which I could appropriately express my praises and thanks for such eminent condescension and graciousness, and as regards the intimation that the cloud of your Majesty's displeasure has not yet been entirely dispelled, do, my Lord! let me urge, that I am, as is already well known to you, an old and ancient, true and faithful servant of your Majesty's house, that I am from my heart, every moment and every second, occupied in carrying out your Majesty's orders. There is not a day that my heart forgets to think upon all your kindness—there is not a moment that my tongue does not speak of your great condescension. Pray do, under all circumstances, consider me your slave, as one of the lowliest of your Majesty's servants, and condescend to regard me with the eyes of graciousness and favor, for your Majesty's unbounded kindness and support were in times long gone by always bestowed on the ancestors of me, who am the least of all your servants, and your Majesty's countenance and protection in every variety of way, were ever abundantly conferred on me personally also. Depending on all these former abounding and conspicuous kindnesses, mercies and favors, I trust that the cloud of displeasure which, owing to the false and unavailing statements of my enemies, has dimmed the mirror of your Majesty's mind naturally bright as the sun, will now be dispelled and dissipated, and the dust of anger and dissatisfaction, which has from the same cause settled on the edge of your Majesty's disposition towards me, will be washed off and removed. Moreover, my trusted representative at your Majesty's Court has, for some time, been denied the happiness of presenting himself, and I pray now that he may be directed to attend. I present the same request in reference to the Risaldar of my troop of Cavalry. I further pray that I may be favored with kettle-drums and standards, as a means whereby your Majesty's fame and greatness may be proclaimed to the four quarters, and the six cardinal points of the world, and at the same time, the credit and dignity of me, your faithful and devoted standard-bearer, may be advanced amongst all classes. An auspicious desire to wait on your Majesty continues impressed on my heart; but as yet I have been so unfortunate, as not to have been able to realize this heartily cherished purpose, in consequence of the numerous ailments with which I have been afflicted since I came from Delhi, and from which I have not yet obtained complete relief. May your Majesty's victorious and conquering standards always be elevated, and may defeat for ever attend on your enemies. Petition of the slave Rajah Nahar Singh Bahadur, Chief of Ballabhgarh. Seal of Rajah Nahar Singh Bahadur.

No. 74.

ORDER WITHOUT SIGNATURE, CYPHER OR SEAL, APPARENTLY FROM MIRZA MOGHAL.

Dated 16th August 1857.

To

THE ESPECIAL SLAVE, EMBLEM OF GOOD INTENTIONS, RAJAH NAHAR SINGH OF BALLABHGARH.

Consider yourself honored. Frequent occasions for verbal instructions occur, and a necessity is then felt for the presence of the trusted representatives of our faithful retainers. It is accordingly necessary and proper that an agent from you, our special slave, should remain in attendance. You are therefore directed to nominate two of your trusted servants as your agents, and to send them to the Royal Court, so that whenever verbal orders may be necessary, no difficulty may be experienced. Entertain every confidence, and in sending the agents allow no delay to occur, for with the blessing of God, it is not possible or probable that they can have any thing to dread or fear from this Court. Consider yourself honored.

No. 75.

PETITION of the Rajah of Ballabhgarh.

Dated 22nd August 1857.

To

THE KING! VICAR OF GOD! &C., &C.

RESPECTFULLY SHEWETH,—That it is well impressed on your Majesty's mind, that your petitioner is, by ancestry, the home-born slave of your illustrious house; and that I your slave, and my ancestors, as I still continue to do, have ever remained in subjection to your Majesty's orders, and have always been engaged in acts of obedience, devotion and zeal; and I therefore cherish the most anxious desire to present myself at your Court. The proof of this statement and profession is, that if I did not consider myself as nurtured and reared by your hands, and if I did not in my heart cherish and preserve the most anxious desire to obtain an interview, knowing what unbounded benefits I should realize, how then was it that during the Government of the English, I repeated my petition through Mir Fateh Ali, for permission to wait on your Majesty. When I did so, you were pleased to observe that my heart-felt fidelity and devotion were manifest, but that from prudential considerations, necessary at the time, my attendance in your presence would not be proper, lest some evil might ensue. That your slave now has the misfortune not to realize the happiness of presenting himself at your Court, is to be ascribed to two reasons. The first is, that since the day of my return from Delhi, I have been suffering from various bodily complaints and ailments, external and internal. The second reason is, that as my enemies have alienated your Majesty's kindness and good will from me, by means of their false and calumnious statements, I have been afraid, lest on my going to Delhi, they might devise some plan for my being subjected to indignity and disgrace, and by feeding the fire of your Majesty's wrath, with the oil of falsehood boldly and audaciously advanced, might raise its flames to twice their present fury. I have, moreover, learned from several quarters that the Officers and servants of the State are just now very much straitened in pecuniary means, and that they have accordingly arranged for demanding a contribution and present in money from me, although my income is very limited. Your Majesty, who is thoroughly acquainted with the whole of the affairs and circumstances, public and private, of all your retainers, knows also, that compared with the states of all the other Chieftains, your slave's territory is considerably the smallest, and that its revenue has never been equal to its necessary and unavoidable expenses; but that on the contrary, the State has always been thousands of Rupees in debt. As regards that which had been accumulated by the ancestors of this least of the lowest of your servants, it is to be submitted that the former Officials of my Government, by embezzlement and fraud, plundered and carried away the whole of that, and emptying my treasury and store rooms, have abundantly filled their own houses with the money and property they had contained. Having absconded from this, they went off to Delhi, where they are now staying at their homes, concocting and propagating every variety of calumny and scandal against my Government. Under these circumstances, then, how could I, your slave, whose means are so limited, arrange for a contribution, a present in money, and the expenses of the Army? Yes, certainly, if your Majesty's advisers and the servants of your Government will, according to the list below, apprehend and make over to me my former faithless and corrupt officials, who are now residing in Delhi, and who, by their embezzlements, have robbed me of about eleven lacs and twenty-five thousand Rupees, half of whatever I may be able to recover from them of their plunder I shall pay into the Royal Treasury. If, on the other hand, it is not deemed advisable that they should be seized and made over to me, then let your Majesty's servants themselves apprehend them, and recover the claims and demands of this State. Of all the money that may be thus recovered, let them pay such portion as they may think fit into the Royal Treasury, and let them return the rest to me. The emblem of nobility and greatness, Mir Fateh Ali, condescendingly took the trouble to come here, and by doing so has laid me under obligations as if he had conferred unlimited kindness. He evinced, moreover, a very kind and fatherly interest in my affairs. All the orders which were entrusted to Mir Fateh Ali for verbal communication I have been made acquainted with by him, word for word; as the answers were such as it was not expedient should be put into writing, I have explained them to the Mir Sahib, who will communicate them to your Majesty verbally. A further petition is, that whatever he may urge in behalf of me, who am a slave deserving of your kindly graciousness and favor, may in every respect be accepted and approved of, with that wonted kindness, condescension, support, and benevolence from ancient times. All that was necessary I have submitted for your Majesty's information. May your Majesty's servants ever be cheered by victory and conquest, and may your destitute enemies ever be dispirited and humbled by calamities and oppression.

The Physician Abdul Hak, who was Prime Minister of the State ...	Rs.	10,00,000
Mukta Prashad, Lawyer	„	15,000
Rajah Lal, Chief Secretary ...	„	10,000
Nisar Ali, Deputy Prime Minister	„	10,000
Jowalla Nath Pandit, Treasurer ...	„	30,000
Sher Khan, the said Physician's personal friend	„	25,000
Hissar-ud-din, Jemadar and Superintendent of my landed property in Delhi, who was also assistant to my Lawyer	„	5,000

Amir Ali, Superintendent of Buildings and Store-rooms	Rs.	10,000
Saadut Ali Khan, Police Officer	„	8,000
Ahmad Mirza, farmer of Ballabhgarh Villages and of my Vineyard in Delhi	„	10,000
Mubarak Ali Khan	„	2,000

Petition of the slave, Rajah Nahar Singh Bahadur. Seal of Rajah Nahar Singh Bahadur.

No. 76.

PETITION of the Rajah of Ballabhgarh.

Dated 1st September 1857.

To

THE KING! VICAR OF GOD! &C., &C.

RESPECTFULLY SHEWETH,—That I have had the very great honor to receive your Majesty's missive replying to my petition, intimating your acceptance of my present of a dun horse, and directing me to entertain no fears of oppression from the Army. The acceptance of my present has conferred on me the highest distinction. Let your Majesty ever consider me your devoted and ancient slave and servant. If with your unlimited graciousness and favor, you will be pleased to bestow the Pali and Palwal sections of the District on me, I shall make the most complete Judicial and Revenue arrangements there. So complete shall these arrangements be, that every one high or low, rich or poor, will be satisfied with them, and your Majesty also will graciously view your slave's tact, exertions and plans, with approving favor and kindness. Prayers for the continuance of the King's victories and conquest. Petition of the slave, Rajah Nahar Singh Bahadur. Seal of Rajah Nahar Singh Bahadur.

No. 77.

PETITION of the Rajah of Ballabhgarh.

Dated 2nd September 1857.

To

THE KING! VICAR OF GOD! &C., &C.

RESPECTFULLY SHEWETH!—That I have had the very great honor to receive your Majesty's missive, intimating your acceptance of my present of a dun horse, and directing me to be assured that no one of the Army shall commit any act of oppression or grievance against the Ballabhgarh State. I feel as though I were elevated to the very summit of distinction. The tongue and language are alike altogether at fault adequately to express thankfulness commensurate with such signal and abounding graciousness and condescension. May God preserve and protect your Majesty, to the end of time, in the performance of similar acts of favor and support! Refuge of Royalty! It is a most extraordinary circumstance, that your Majesty has ordered that no one connected with the Army shall commit any act of oppression against the Ballabhgarh State; and to-day, the 2nd of September 1857, I receive a letter from Muhammad Bakht Khan, Commander-in-Chief of the Army, saying that all the prisoners throughout the country had been set at large, but that Hardeo Baksh, Pran Sukh and others, Dhusar, and Jamayat Khan, coach-man, were still in imprisonment, and directing me to forward them to the Army, together with their bonds and engagements, in the custody of the ten Troopers he had sent. It is fully known to your Majesty that the above-named prisoners are accountable to this State for frauds amounting to Lacs of Rupees, and have agreed to pay this money, for which they are so accountable. How then can men responsible for such claims and demands be released; for if they should be set free, the loss to me, your slave, would be excessive. The above prisoners are not like those incarcerated in Criminal Jails, from whose enlargement and release from prison no manner of loss could result. If such detenus as the above are released, endless evils, mischievous to my arrangements, will arise, and their suppression afterwards will be exceedingly difficult. Under these circumstances, then, I humbly supplicate that an order may be issued to the Commander-in-Chief to refrain from requiring that persons responsible to the Ballabhgarh State should be sent to him, and that he will on no account call for them, as from such proceedings on his part, it is in every point of view evident that damage to the very foundations of this State must accrue. I trust, therefore, that my request will receive the honor of approval, for I, your slave, am an old and devoted servant and well-wisher of your throne, which is the threshold of earth and heaven. I expect, moreover, that your Majesty's servants will make over Hakim Abdul Hak, Pandit Jowala Prashaad and others my Officials, as I have claims against them, amounting to about eleven Lacs and twenty-five thousand Rupees, so that I may realize this money from them. Prayers for the King's prosperity. Further, I forward the Commander-in-Chief's letter in original. After perusal, let it be kindly returned, with a favorable answer to this petition. Petition of the slave Rajah Nahar Singh Bahadur. Seal of Rajah Nahar Singh Bahadur.

Ahsan Ulla Khan, Physician, is recalled and examined on his former affirmation.

Papers Nos. 4, 5, 6, 7, 8, 9 and 13 arranged under the head of Loan, are shown to Witness, who declares that the Seals on all are impressions from the Special Seal in the Prisoner's Cypher. The Witness declares further that the papers, with the exception of No. 6, are all in the handwriting of Mukund Lal, the Prisoner's Secretary. Papers 1, 2, 3, 10, 11, 12, 14, 15, 16, are now shown to Witness, and with exception of 2, 3, and 12, of which he knows nothing, he gives the following statements of the others. No. 1 is in the handwriting of Mukund Lal, and attested as genuine by the King's Autograph Cypher, and No. 11 is also attested with the Autograph Cypher; but Witness does not recognize the handwriting. The orders on the Petitions Nos. 10, 14, 15 and 16, are in the King's own hand; but the Witness does not recognize the handwriting. The translations of the 16 Papers under the head of Loan, are now read and entered as follows: —

PAPERS ARRANGED UNDER THE HEAD OF LOAN.

No. 1.

ORDER UNDER THE AUTOGRAPH CYPHER OF THE KING, IN PENCIL.

Dated 8th July 1857.

To

MIRZA MOGHAL.

SON,—The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal Bahadur! Learn! That you, the light of our eyes, already know, that a very small balance of Cash remains in our Treasury. That there is no immediate prospect of revenue from any quarter, and that the little money which remains must of necessity be very soon expended. You are directed to call together, during the day or to-night, all the Officers of the Regiments which first arrived, in order that they may deliberate and decide on means to be adopted for raising funds to meet the daily necessary and emergent expenses. A meeting of this kind, in the language of the Soldiery, is called a "Court." You are to use stringent injunctions in this matter, and the result of the deliberations, in the shape of a feasible plan for replenishing the Treasury, whatever it may be, you will cause to be embodied in a petition from them, which you will lay before the Royal presence to-morrow. It is a necessary measure of prudence and precaution, to make arrangements in this matter before the Treasury is quite exhausted. Moreover, as no private Treasury was ever kept by us, and as the contributions to the State loan have not been realized, all our servants, old and new, are now in pecuniary difficulties. The money amounting to a Lac and twenty thousand Rupees, which was levied last month as a loan at interest from the merchants of the City for our private expenses, was not all received accordingly. Under these circumstances, how are the expenses of others to be provided for? You will explain all these points, particularly and clearly, to each Officer, and having their answer put into writing, will not fail to submit it to-morrow for our consideration.

NOTE ON THE FACE.—"Received 14th July 1857."

No. 2.

PETITION of the Members of the Court.

Dated 10*th July* 1857.

To

THE KING! NOURISHER OF THE POOR!

RESPECTFULLY SHEWETH,—That we have had the honor to be favored by your Majesty's order, and besides other particulars, we learn that your Majesty's commands are to the effect, that the treasure which was brought has been nearly all expended in meeting the requirements of the Army, and the little now remaining must shortly be paid away to the same end, and that we, the Officers of the Court, are therefore directed to devise some feasible expedient to replenish the Treasury. Your Majesty, in our judgment, as the first step in this matter, the Army should go out.

Proposition First.—That money on loan at interest be obtained from some Merchant, and that this loan, with interest, be paid off on the establishment of order.

Proposition Second.—That a force consisting of 1500 Infantry, 500 Cavalry, and two Horse Artillery Guns, be sent out into the country to establish Police Stations, Revenue Offices, and Postal arrangements, so that it may become widely known that your Majesty's rule has been established. Further, that this force be empowered to take charge of all money which may be found collected anywhere on account of the revenues of the State, and which may be voluntarily made over to it. But it should be thoroughly impressed on all its members, that such of them as shall commit any act of plunder, tyranny, or oppression, will be severely punished.

Our first prayer is,—That both the above written suggestions for raising money, may be adopted.

Our second prayer is,—That one of your Majesty's nobles, in whose integrity your Majesty may have the most complete confidence, may be sent with the force, to make arrangements for the Civil administration of the Country.

Our third prayer is,—That the noble your Majesty may depute should, however, be warned, as though by this Court, that if, on going out, he shall oppress any poor landholder or any subordinate Collector of Revenue, or if he shall take bribes or douceurs, he will be punished according to the decision of this Court. The settlement of the proprietary rights of landholders may be effected after the following way.

In each case it shall be ascertained that the name of the claimant is on record in the papers of the Registrar* of proprietary rights in land, or in those of the Village

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* Kanungo.

Accountant,* and the claimant shall be required to file receipts of his former payments of land rent, to show that he contributed to the finances of the State, and that the settlement of assessment had been made in his favor. If, on inspection of their documents, and on the testimony of witnesses, *viz.*, of the Registrar of landed rights, the Village Accountant and other respectable men of the place, it shall be clearly proved that the claimant had really been the landholder, and the principal man or one of the principal men, recognized by the Government, as answerable for the Revenue of the whole Village, or of a considerable section of it, the settlement will be made in his name. If a subsequent claimant shall come forward, his petition will be taken, and an order will be recorded on it, to the effect that a final award will be given after investigation. But in the first instance, the appointment to the position of Headman† responsible for the Revenue of the Village will be given to those who had formerly held the situation.

Our fourth prayer is,—That, if the noble deputed to settle the Country does not act in every particular according to these orders, the land-holders will be at liberty to lay their complaints before this Court, and if, after due deliberation, it is found that the noble's orders have been such as should be reversed, they will be annulled, and the real owners will be installed in their just rights. The petition of the slaves, the Officers of the Court, Jiwaram Subadar Major Bahadur, Sheoram Misr Subadar Major, Tahniyat Khan Subadar Major, Hetram Subadar Major, and Beniram Subadar Major.

No. 3.

PETITION of Mirza Moghal.

Dated 12*th July* 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH!—That your Majesty's order, dated 10th July 1857, directing, with reference to the small balance of Cash in the Treasury, that the Members of the Court should deliberate on the matter, and that I should submit their petition on the subject, has been received. In conformity with your Majesty's orders, the petition, prepared after due deliberation by the Members of the Court, is submitted to the Royal presence, enclosed herein. Such orders as may be issued in this business, will be carried into effect. (Prayers for the prosperity of the reign.) Petition of the slave and bondman, Zohur-ud-din.

No. 4.

ORDER UNDER THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

Dated 15*th July* 1857.

To

MIRZA MOGHAL.

SON,—The illustrious and valiant Mirza Muhammad Zohur-ud-din, otherwise Mirza Moghal Bahadur. Learn! That, just now, we are under the necessity of raising a temporary loan, at an interest of one per cent per mensem, from the Merchants of the City, to defray the allowances of the Army. Many of the Merchants paid up the amounts that were claimed from them. Others, however, on the ground of non-payment, were apprehended and brought to the Palace by the Soldiers of the Royal Levies, and are now detained as prisoners in the Captain's Guard, attached to the Office of the Court Chamberlain. We have just heard that with the collusion of some Infantry Soldiers, the relations of these merchants have devised plans to liberate them from custody. Even just now a Private of the Infantry coming from the direction of the Guard at the Lahore Gate of the City, which is included in the Tamaku-ka-kutra, entered the Captain Guard; and on the instigation of one Lakshmiram, said he would take away Lakshmiram's son. The Officers and men of the Guard interposing, the Private in question used much violent language towards them, and even threatened to shoot them and liberate the lad. From the representations of the Officers, it is further ascertained that he will return in the afternoon, accompanied by 18 or 20 other soldiers, in order to raise a disturbance with the men of the Captain's Guard. You, our son, are therefore directed this instant to send a reinforcement* to the Captain's Guard for the effectual custody of the prisoners confined there, and you will direct that no soldier be allowed to take away any prisoner. Do not allow the neglect or delay of a second to occur in this matter, for if such things be permitted, our authority must be deranged. Be assured of our kindness.

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* Patwary.

† Lumberdar.

NOTE ON THE REVERSE BY MIRZA MOGHAL PROBABLY, BUT WITHOUT SIGNATURE OR SEAL.

A Guard has been stationed, agreeably to the orders of the Royal presence, at the Captain's Guard. Dated 15th July 1857.

No. 5.

ORDER UNDER THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

Dated 28th July 1857.

To

MIRZA MOGHAL.

SON,—The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal, Commander-in-Chief Bahadur! Learn. That no money whatever remains in the Treasury for paying the daily and monthly allowances of the Troops, nor yet for defraying the daily urgent expenses of the Magazine, the Artillery, and the manufacture of powder. Without powder the active operations against the infidels must be interrupted. It is necessary, therefore, quickly to devise some plan for raising funds through the means of a loan, without interest, from all the Panjabi and other merchants, and from the rich servants of the English, and forward it to the Royal Treasury. You are further directed to forward drafts of notes of hand, specifying the amount of contribution in each, so that corresponding notes of hand, under our special Seal, promising payment on the realization of the revenue of the Country, and the capture of treasuries, may be granted. No fraction of any portion of this loan will be left unpaid. You will give full assurance to all parties on this point, as well as that, in the event of their arranging for the money required, besides being repaid the loan, as a mark of favor, they will be elevated to appointments and emoluments proportioned to their qualifications. But if, notwithstanding such assurances, and the hopes of advantages thus held out, any of the people mentioned do not exert themselves to arrange for the money, but advance unfounded excuses, you, our Son, are empowered to chastise them as may be proper, so that severity may bring them to the path of propriety, and obedience to our Royal orders may be the result, and the expenses of the Magazine, the Artillery, and the manufacture of powder, may be no longer interrupted, and all necessary operations may be prosecuted daily. You will use such well advised steps in this matter as will result in your collecting and sending the money to the Treasury within three days. You are directed to enjoin on your agents, however, to refrain from making any demand now on such of the merchants as assisted in the former loan, arranged through the late deceased Manir-ud-dowlat, or on such of them as have given written engagements to pay the balances of their several contributions within fixed periods. You will lay no further demand or claim on the whole of these men, so that nothing at variance with the terms of the agreements given under our special Seal may occur, and no cause for distrust to others may arise. Be assured of our kindness.

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* The word used in the original is "Pahara," which means a Guard, but indefinite as to strength.

No. 6.

ORDER UNDER THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

Dated 29th July 1857.

To

BRINDABAN, *alias* BINDI MALL,
Treasurer to the Artillery.

To the effect that a bond, under our special Seal, for 4,198 Rupees and 9½ Annas for the distribution of six months' pay to the Artillery, as being bestowed on you our slave, it is incumbent on you to arrange that this money be forthcoming. Be assured that the funds on loan promised by the City Merchants, will now be very soon realized by Rai Mukund Lal, when the amount of this bond will be repaid with every fraction of interest. Entertain every confidence that most stringent orders will be issued for the speedy repayments to you of this loan, and that it will be very soon repaid. Consider this order imperative, and act as you are being written to.

No. 7.

ORDER UNDER THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

Dated 29th July 1857.

To

THE SPECIAL SLAVE ! RAI MUKUND LAL BAHADUR.

Consider yourself receiving mercies and know. That the balance of a contribution to the State Loan, amounting to 5,300 Rupees, has been realized, through Gangaram peon, and a voucher under our special Seal has been granted for it; and know also, that a special order has been addressed to you, our special slave, to repay this sum from the receipts on the account of the loan promised by the City Merchants. Four thousand one hundred and ninety-eight Rupees and nine and a half Annas have now been obtained from Rai Brindaban as a temporary loan, at an interest of one per cent. per mensem, in order that six months' pay may be given to the Artillery. You, our special slave, are therefore ordered, to realize quickly the money claimable from the City Merchants, and to repay this aggregate sum of 4,198 Rupees and 9½ Annas with interest, when you will recover and lay before our Royal presence the vouchers granted under our special Seal. Such sums as you will afterwards realize, you will pay into the Royal Treasury. You will consider the words in this matter imperative.

No. 8.

ORDER UNDER THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

Dated 29th July 1857.

To

MIRZA MOGHAL.

SON,—The illustrious and valiant Mirza Muhammad Zohur-ud-din, otherwise Mirza Moghal Bahadur. Learn ! That as our servants of the Artillery branch are in pecuniary difficulties in consequence of the revenue from Rohat, Kakrul, and other Villages not having been received, and as we mercifully cherish a concern for the comforts of all our dependants, and most especially for the comforts of this branch of them, who are now to receive pay after six months, an order has been issued to Brindaban, *alias* Bindi Mall, Treasurer, to arrange for the payment of their allowances, and a bond, under our special Seal, has,at the same time, been granted to him, for 4,198 Rupees and 9½ Annas, it being definitely specified that the money on loan, promised by the City Merchants and to be realized through the agency of our special slave, Rai Mukund Lal, shall be the source from which this sum will be repaid. Do you, our Son, therefore, also issue an order for the same Treasurer's greater satisfaction and confidence, so that, being fully assured, he may exert himself effectually to arrange for the money ; and that this very day six months' pay may be distributed to the Artillery, after the usual manner, and they, having their difficulties removed, may in this respect be placed on the same footing as the rest of the Government servants. Be assured of our kindness.

No. 9.

BOND OR PROMISSORY NOTE FOR MONEY BORROWED UNDER THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

Dated 29*th July* 1857.

To the effect, that the sum of 4,198 Rupees and 9½ Annas has been paid into the Royal Treasury, as a temporary loan, at an interest of one per cent. per mensem, by Brindaban Treasurer, for the payment of six months' allowances to the servants of the Artillery branch, and it has been definitely settled that this debt will be repaid from the receipts on account of the loan promised by the City Merchants. When, therefore, Rai Mukund Lal shall in a few days, according to the Royal orders, have realized, from the City Merchants, the money promised on loan, the whole and entire sum of 4,198 Rupees and 9½ Annas will be repaid to the said Treasurer, together with the interest, and no balance to the extent of the smallest fraction will be left unpaid, and, moreover, before the liquidation of this debt, no portion of the money that will be realized on account of the State Loan will be paid to any other person, or be appropriated even to the Royal requirements. This document is therefore executed as a bond.

No. 10.

PETITION of Mirza Moghal.

Dated 6*th August* 1857.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That all the influential men of the City, as well as the inhabitants generally, urge that they have no objection to raise funds for the expenses of the Army, but that it would be more gratifying to them, if the contributions of all, rich or poor, Hindu or Mahomedans, were realized through the influential men of both religions, and that, at the same time, by this arrangement, a much larger sum in the aggregate would be obtained. I therefore pray that this proposal of the City inhabitants may be approved of, and that your Majesty's orders may be issued to the influential men named in the accompanying separate list, to carry it into effect. (Prayers for the prosperity of the reign). If the whole of the inhabitants contribute, a very considerable amount will be realized, and no one will entertain suspicions against this slave of embezzlement or appropriation. All being attested by the influential men of the

City, a list of whom is enclosed, according to their several ability, no individual will have room for excuses or delay.

The Hindus will be assured that your Majesty regards Hindus and Mussulmans with equal favor, and the Army will see, that the whole of the inhabitants, whether Hindus or Mussulmans, are sharers in the arrangement for raising funds to meet its expenses. Petition of the slave Zohur-ud-din.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

The arrangement is a judicious one, and is approved of.

No. 11.

ORDER UNDER THE KING'S AUTOGRAPH SPECIAL CYPHER.

Dated 19*th August* 1857.

To

THE SPECIAL SLAVES, WORTHY OF FAVORS AND KINDNESS, THE MEMBERS OF THE COURT.

Consider yourselves receiving mercies and learn! That as agreeably to the request of you, devoted and zealous servants of the State, you are being empowered to arrange and work out all matters and affairs, general and particular, connected with the collecting of the Revenue from the Country, and the bringing to a satisfactory issue the project of a loan from the Merchants and influential men of the City, it is incumbent on you to act with zeal and integrity in the matters with which you have been entrusted, and that you should make efficient arrangements for carrying on the operations of war, and for obtaining final victory over the hostile host of infidels, as well as for protecting the City and its inhabitants. All your acts and arrangements will be approved of and sanctioned. In reference to you, no representations of any interested parties whatever will be heeded; and in all such orders as may emanate from your Court, none of the servants of the State, nor the Princes Royal, will in any way interfere. The money you may collect on account of the loan from the Merchants and the influential men of the City, will be deposited in your Court, and will be expended in paying the Army, and on account of the necessities of the Magazine, &c, and when the Revenue of the Country shall have been realized, first of all the loan from the City Merchants, together with its interest, shall be repaid. Be assured of our kindness.

No. 12.

PETITION of Mathura Das and Salig Ram, Merchants of Delhi.

Dated 23*rd August* 1857.

ABSTRACT OF PETITION, ON THE FACE, ABOVE THE ADDRESS.

We slaves, selling our culinary vessels, and overcoming thousand difficulties, have already paid Rupees 7,500 in the first instance to your Majesty, and in the second to Mirza Khair Sultan Bahadur. The Members of the Court and the Officers of the Army, intent on our ruin, now demand a third payment. We therefore pray that your Majesty's injunctions may be laid on the servants of the State and the Officers of the Army, to refrain from imposing any further demands on these faithful slaves.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That let it not be hidden from your divine Majesty's knowledge that, previous to this, your Majesty's commands were laid on us, your faithful slaves, to pay 6,000 Rupees into the Treasury ; and we were told that we should be subjected to no further demand. Your slave's house had been previously plundered of every thing it contained, and of all we possessed, by the Soldiery and other people, on the day of the arrival of the troops from Meerut in Delhi, and all our banking and mercantile transactions were, in consequence, utterly ruined and suspended. Unable therefore though we were to meet your Majesty's commands, nevertheless that your Majesty's orders should be obeyed, we sold such articles of Jewellery, culinary vessels, &c., as still remained in our possession, and borrowing besides to make up the full sum, we paid the money into the Royal Treasury on the 3rd and 5th of June 1857. Recently again, the Commander-in-Chief Bahadur, and Mirza Khair Sultan Bahadur placed us under strict and peremptory injunctions to make a second money payment, to meet the expenses of the Army. Feeling our utter helplessness, after a thousand difficulties we succeeded in making up 1,500 Rupees, which we gave to the said Royal Princes, obtaining in return a receipt, together with an order, under the seal and signature of Mirza Muhammad Khair Sultan Bahadur, (may his prestige last for ever !) that no further demand was, on any account, to be made on us by the servants of the State, or by the Officers of the Army. Notwithstanding all this, the Members of the Court and the other Officers of the Army now a third time require money from your faithful slaves, and are determined on their ruin. Whereas we, your Majesty's well-wishers, have no protection, but that of God, or your Majesty ; and whereas on two former occasions, despite the difficulties we had to overcome, we obeyed your Majesty's orders and paid money into the Treasury, and whereas we are now with difficulty able to procure even the daily necessaries of life, we therefore present this petition, and pray that according to the claims of justice, and the dictates of your Majesty's desire to foster the poor, your Majesty will be pleased to issue orders to all the servants of the State and the Officers of the Army, to refrain from imposing this third demand on your slaves, as also to desist from their endeavours to ruin your slaves by these repeated demands, which they try to enforce by every means of coercion, so that thus obtaining justice, we may pray for the increase of your Majesty's wealth and power. Otherwise, in consequence of the dread of degradation, and from their inability to raise the funds required, the lives of your slaves will be sacrificed. It was necessary, and has therefore been submitted. (Prayers for the prosperity of the reign.) Petition of the slaves Mathura Das and Salig Ram, Merchants of Delhi. Signatures of the firm of Mathura Das and Salig Ram in the Hindi mercantile character.

No. 13.

ORDER UNDER THE SEAL ENGRAVED IN THE KING'S SPECAL CYPHER.

Dated 27th August 1857.

To

MIRZA MOGHAL.

SON,—The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal Bahadur. Learn ! That the Merchant, Ramjidas Gurwalla, having twice paid money into the Royal Treasury, and having, morever, in conformity with our orders, made arrangements for the loan of the State, it is incumbent that you, our Son, should make no further demand on him. You will consider our injunctions stringent in this matter, and will act in accordance with these orders.

No. 14.

PETITION of Nabi Bakhsh and others.

No date.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH !—That in the present anarchy, your slaves have suffered heavy and ruinous losses in as much as whatever commerce we carried on, whether at Calcutta, or Benares, or Cawnpore, or Delhi, or Umballah, or Lahore, has been ruined, and all our mercantile stores have been plundered and devastated, while the burden of our former debts still lies on our shoulders, and we are now without even the means of meeting the daily expenses necessary for the subsistence of ourselves and our families. Let your Majesty ascertain the truth of this statement from trustworthy parties, and by an inspection of our mercantile books. Mirza Moghal Sahib now demands 50,000 Rupees from us. Whence can we produce the same ? At present, we should find it extremely difficult to raise even 5,000 Rupees. We, your slaves, have now been three days prisoners in the arrest of Captain Mir Haidar Husein Khan, and the said Captain would not allow us out of custody, even to join in the prayers on the Eed-i-azha. Left without other resource, we petition your Majesty, (at the same time praying to God to protect and preserve you over the heads of us, your slaves,) that your Majesty will issue an order for our release from arrest. We have now for twenty days been administering to the wants of 1,200 Mujāhids*, and shall continue to do so. But more than this is impossible, is out of our power to perform, and cannot be done. We depend on your Majesty's consideration, equalling that of Cyrus, that, with a fostering concern to nourish and cherish the poor, your Majesty's orders will, with condescending goodness, be issued for our release. It was necessary, and we have submitted it. (Prayers for the prosperity of the reign.) The petition of the slaves Nabi Baksh, Haji Mulla Baksh, Karim Baksh, Jawan Bakht, Pir Baksh, Fateh Muhammad, Muhammad Husein, Muhammad Baksh, Taimur Ahmad, Karim Baksh, Kutb-ud-din, Saifulla, Haji Rahim Baksh, Karim Baksh Ahmad, Karamdin, Haji Ahmad, and others.

AUTOGRAPH ORDER BY THE KING IN PENCIL.

Mirza Moghal will take recognizance for future good behaviour so that they may not again, in infringement of positive orders, send Commissariat necessaries or other supplies to the infidels, and provided the advice of the Lord Governor coincides, he will then release them all.

No. 15.

PETITION of Mirza Moghal.

No date.

To

THE KING ! SHELTER OF THE WORLD !

It is known to your Majesty, that the Army having been reduced to starvation in consequence of not being paid their daily allowances, your slave, as well as they, were constrained to petition your Majesty on the subject, when, having condescended to view the distress, you were pleased to issue orders that some plan for raising a loan, to carry on the expenses of the Army, should be devised, and accordingly, a Royal missive was bestowed on your slave in this matter. In accordance therewith, your slave summoned the Merchants and Panjabis of the City, and conferred with them on the subject, and some gave written engagements to pay in a day or two, and then went away. I have just learned, that Muhammad Bakht Khan has received a written order also, to summon the Merchants and obtain money from them. A circumstance like this is calculated to cause disunion and dissension in the Army. Let your Majesty consider this, and recall the order given to Muhammad Bakht Khan, and let your Majesty also prohibit his taking steps in this business, because arrangements for the money have already been made by me. Considering it necessary I have submitted this petition. (Prayers for the prosperity of the reign.) Petition of the slave Zohur-ud-din. No date.

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* Fanatics pledging themselves to exterminate infidels.

AUTOGRAPH ORDER BY THE KING IN PENCIL.

My life ! * Conflicting orders, one after another, cannot be issued, for just now the Army is quite dispirited. If the desired object be attained, it will not matter whether the required funds shall have been raised according to your orders to the Merchants, or through the agency of the General. Otherwise, there will be necessity for adopting some other plan. No date.

No. 16.

PETITION of Muhammad Khair Sultan.

No date.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That aided by 200 Troopers and a Brigade Major, placed at his disposal by the Lord Sahib, your slave has been assiduously engaged, since morning, in collecting the money required by your Majesty's Government. Just now, however, the Merchants of the City have put forward the objection, that Gouri Shankar has ordered them, on no account, to give the money to any of the Royal Princes, but to pay it into the Court only. Your Majesty ! Under such circumstances, extreme confusion and derangement of plans is to be expected, and mischief-makers of this sort are deserving of severe punishment for wantonly setting plans on foot to interrupt the business of the State. Your slave submits that until such mischief-makers shall have been severely punished, till then arrangements which will result in success cannot be made. It is submitted for information. (Prayers for the prosperity of the reign.) Petition of the lowly Muhammad Khair Sultan. No date.

AUTOGRAPH ORDER BY THE KING IN PENCIL.

Besides the Shop-keepers, you will realize money to-morrow morning, as may be advisable, from Merchants also, and will forward it to the Royal presence. Let no one be put to inconvenience, nor yet let the business of the State be interrupted (a couple of words here are illegible, but the sense is not affected or left incomplete.) This which is here written, is the only prohibition, and there is none other.

The Court at 4 P. M. adjourns till 11 A. M., on Monday, the 1st of February.

FIFTH DAY'S PROCEEDINGS.

MONDAY, FEBRUARY 1ST 1858.

The Court re-assembled this day at 11 A. M. in the Hall of Special Audience in the Palace at Delhi. The President, Members, Interpreter and Deputy Judge Advocate General are all present.

The Prisoner is brought into Court.

The Interpreter reads in Persian the original papers under the head of Loan, the translations of which were perused on 30th Ultimo.

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* My son.

Ahsan Ulla Khan is recalled on his former affirmation, and the 8 papers arranged under the head of Pay are shown to him.

EXAMINED BY JUDGE ADVOCATE.

Question.—What do you know of the handwriting or Seal on these papers?

Answer.—The orders on six of the papers, *viz.*, Nos. 1, 4, 5, 6, 7, and 8 are in the handwriting of the Prisoner. The writing of No. 2 is that of Mukund Lal, the Prisoner's Secretary, and the Seal is an impression from the special one engraved in his Cypher. The writing in paper No. 3, which is a petition from the Prisoner's son Mirza Moghal and is attested by his official Seal as Commander-in-Chief, appears to be in the handwriting of Jowalla Nath, one of his Clerks.

The translation of these papers is now read and entered as follows.

The papers in original Persian are also now read to the Prisoner.

Papers arranged under the head of Pay.

No. 1.

PETITION of Mirza Moghal.

Dated 1st *June* 1857.

To

THE KING! SHELTER OF THE WORLD!

The Army has been two days at the Shahdari Battery, and did not come to receive their daily allowances. Three days' accumulated arrears are due to-day, and the Army is going in to demand payment. To-morrow's fourth days' allowances will be payable, and a second application will be necessary. To prevent this I pray I may at once be favored with 15,000 Rupees as the aggregate allowances of four days. Petition of the slave Zohur-ud-din.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Bussunt will give 15,000 Rupees out of the Treasury. Further, Mirza Moghal, enjoining all diligence on Mirza Fazil Beg Khan, will have an account prepared of all the money he has caused to be paid out of the Treasury up to this date, and will lay it before us.

No. 2.

ORDER ATTESTED WITH THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

Dated 22nd *June* 1857.

To

MIRZA MOGHAL.

SON,—The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal Bahadur. Learn! That by the representations of Samman Lal, we are informed, that in the first instance, sweetmeats were given as daily rations to the Artillerymen serving the Guns in the Cashmere and Baddarraw Gate Main Guard, and other Bastions through the agency of the Mu'azzaz-ud-dowlat Bahadur,* and that, subsequently, from the 11th June 1857, daily-money payments have been made instead, as per separate list. That although the supply of rations, or the daily allowance of money instead, is a matter appertaining to the Military Department, in the above instances, the expense was defrayed from the Royal Treasury, and that under these circumstances he prays for an order under our Royal signature, to our illustrious Son, Mirza Moghal Bahadur, to the effect that he should cause reimbursement to be made. You are directed to remit to Samman Lal the sum of 110 Rupees, agreeably to the statement furnished by him, the details of which are subjoined. You are further directed to make arrangements for the future payment of the daily allowances to the Artillerymen the same as those, according to which, they are paid to the whole of the Infantry Regiments. Be assured of our kindness.

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* "The respected of the State," one of the titles of Muhammad Bakht Khan.

11th	June	1857	To	Kanlai Khan Artillery man	..	Rs.		8 0 0
12th	„	„	„	Ditto ditto	...	„		4 0 0
13th	„	„	„	Ditto ditto	...	„		12 0 0
14th	„	„	„	Ditto ditto	...	„		4 0 0
15th	„	„	„	Ditto ditto	...	„	4 0 0	
„	„	„	„	Artillery men at the Lahore Gate	...	„	3 0 0	
„	„	„	„	Ditto at the Main Guard	...	„	3 0 0	
								10 0 0
16th	„	„	„	Kanlai Khan	...	„	5 0 0	
„	„	„	„	Artillerymen at the Main Guard	...	„	3 0 0	
„	„	„	„	Ditto at the Lahore Gate	...	„	3 0 0	
								11 0 0
17th	„	„	„	Kanlai Khan	...	„	5 0 0	
„	„	„	„	Artillerymen at the Lahore Gate	...	„	3 0 0	
„	„	„	„	Ditto at the Main Guard	...	„	3 0 0	
								11 0 0
18th	„	„	„	Kanlai Khan	...	„	5 0 0	
„	„	„	„	Artillerymen at the Lahore Gate	...	„	3 0 0	
„	„	„	„	Ditto at the Main Guard	...	„	3 0 0	
								11 0 0
19th	„	„	„	Kanlai Khan	...	„	5 0 0	
„	„	„	„	Artillerymen at the Lahore Gate	...	„	3 0 0	
„	„	„	„	Ditto at the Main Guard	...	„	3 0 0	
								11 0 0
20th	„	„	„	Kanlai Khan	...	„	5 0 0	
„	„	„	„	Artillerymen at the Lahore Gate	...	„	3 0 0	
„	„	„	„	Ditto at the Main Guard	...	„	3 0 0	
„	„	„	„	Blue Bastion	...	„	3 0 0	
								14 0 0
21st	„	„	„	Kanlai Khan	...	„	5 0 0	
„	„	„	„	Artillerymen at the Main Guard	...	„	3 0 0	
„	„	„	„	Ditto at the Lahore Gate	...	„	3 0 0	
„	„	„	„	Blue Bastion	...	„	3 0 0	
								14 0 0
				Total Rs.		...	...	110 0 0

No. 3.

PETITION of Mirza Moghal.

Dated 9th July 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That your slave having adopted means to assure the whole of the Army, Infantry and Cavalry, of their being paid and promoted, as soon as the Country shall have been settled, the Revenue realized, and the Enemy finally and fully defeated, encloses a copy of an outline of these measures, and trusts that agreeably to it, an order will be graciously issued by your Majesty, so that the Army may be made acquainted with your Majesty's feelings of favor and kindness in their behalf, and being thus inspired with hopes of advancement and distinction, each and all may fight in your Majesty's cause even to the sacrifice of their lives. (Prayers for the prosperity of the reign.) Petition of the slave Zohur-ud-din, attested with the Official Seal of the Commander-in-Chief Bahadur. No order. (Enclosure referred to not forthcoming)

No. 4.

PETITION of Mirza Moghal.

Dated 10*th July* 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That a petition with a nominal list, has this day been received from Muhammad Jahangir Khan, Captain of the Gwalior Rajah's Artillery, praying that some pecuniary provision may be made, to enable him to meet the expenses of the daily exigencies of existence. Your Majesty's orders are to the effect, that all newly arrived troops are to be referred to the Bareilly General.

The aforesaid petition and list are therefore submitted herewith in original. Such orders as may be issued in this case will be acted upon. (Prayers for the prosperity of the reign.) Petition of the slave, Zohur-ud-din.

NOTE AT FOOT OF THE PETITION.—This petition is without the enclosures. Signed Kalyan Narayan, 8th August 1857.

My life!* Inform the General so that they may learn that the Treasury has been quite exhausted.

Number in a corner at the top (Index number apparently) "778," and note immediately below "Received 26th July 1857."

No. 5.

PETITION of Mirza Moghal.

Dated 12*th July* 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH!—That the sum of 37,000 Rupees, with the additional 2,000 Rupees from the Commissariat funds, with which your slave was favored on the 12th of July 1857, has been all expended, and not a fraction now remains in hand, and while such is the case, your Majesty has passed an order on the petition of the Cavalrymen recently arrived, that your slave will make arrangements for paying their daily allowances. The Cavalrymen shown in the subjoined list claim arrears for sixteen or twenty days each, that is to the 12th July 1857. Your petitioner therefore prays that 10,000 Rupees may now be granted in order that these arrears may be paid off; and he further prays that in future he may be placed in funds each day, to pay the allowances for that day.

Mu'azzaz-ud-din Khan, Risaldar, 15 days	3,696	4	0
Mardan Khan, 10 Men, to 12th July 1857	428	2	0
Turradar Khan, and Faiz-ud-din Khan, 10 days	1,594	2	0

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* A term of endearment applied to the Petitioner, and meaning my son.

Syad Gulzar Ali, 22 Men, 28 days, to 12th July	140	0	0
Ghazi-ud-din Khan, Risaldar, 125 Men, 13 days	1,950	0	0
Abdul Majid Khan, 2 Men, 19 days of the Month Zeekhand ...	133	0	0
Ahmad Khan and Madari Khan, Risaldars 9th Regiment of Cavalry, number of Men and days not ascertained	0	0	0
Karim Baksh, Risaldar, who has been paid to the end of the month and more, now claims allowances for 20 days of the Month Zu'l Kaadat	0	0	0

Petition of the slave, Zohur-ud-din, attested with the Official Seal of the Commander-in-Chief Bahadur.

AUTOGRAPH ORDER BY THE KING IN PENCIL.

In consequence of the scarcity of funds in the Treasury, so large an amount cannot be given. Those who are willing to be satisfied with a trifle, may be paid something as pecuniary assistance.

No. 6.

PETITION of Mirza Moghal.

Dated 13th July 1857.

To

THE KING! SHELTER OF THE WORLD!

Hitherto, Karim Baksh, Risaldar of the 1st Lucknow Irregular Cavalry, and the Men of his Corps, have been paid monthly. He has now presented a petition, dated the 12th July 1857, soliciting payment of daily allowances, in the same way that they are paid to others, and demanding arrears for nineteen days. The real state of the matter is, that these people have learned that there is very little money in the Treasury, and it is on this account they now apply for daily allowances. Such orders as may be issued, will be complied with. (Prayers for the prosperity of the reign.) Petition of the slave Zohur-ud-din.

AUTOGRAPH ORDER BY THE KING IN PENCIL.

Those who are paid monthly, will not get daily allowances.

NOTE AT THE TOP.—" Received 26th July 1857," " Number 798." (Index number probably.)

No. 7.

PETITION of Mirza Muhammad Azim.

No date.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH!—That the servants of your Majesty who came from Hansi and Hissar, and who have been placed under your slave, have not received their pay for two months and twenty days. As the treasuries of Sirsa, Hissar, Hansi, and other places, were, with great care and zeal, brought by them, and lodged in the Royal Treasury, and here too, accompanying your slave in every engagement, three or four of these servants daily certify their fidelity with their lives, they therefore now demand their pay. Your slave, actuated by zeal, has arranged that if your Majesty will now grant one month's pay out of the two months and twenty days arrears which are due, he will satisfy the men. If, on the other hand, no pay whatever is now granted, the force will have cause to be disheartened. It is strange that all the rest of the Army should have been paid. I transmit enclosed in this petition, an abstract for one month's pay for all the men of the force, in expectation that orders may be issued. It was necessary and has been represented. (Prayers for the prosperity of the reign.) Petition of the special slave, Muhammad Azim, door-keeper (may his sins be forgiven!)

Autograph signature.—Note below signature.—" The Seal was not at hand just now."

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will give one month's pay.

No. 8.

PETITION of Mirza Moghal.

No date.

To

THE KING! SHELTER OF THE WORLD!

Agreeably to your Majesty's orders, 10,000 Rupees, part of the Revenue received from Garhi Harsaru, were drawn from the Treasury and distributed to the Troops in payment of four days' allowances. Two days' allowances more are now due; and of the Revenue received from Garhi Harsaru, a balance of 7,010 Rupees and 13 Annas remains in the Treasury. It is expected, from your Majesty's condescending kindness, that orders will be issued to draw this money, and distribute it in payment of daily allowances to the Cavalry and Infantry. It was necessary and I have submitted it. (Prayers for the prosperity of the reign.) Petition of the slave, Mirza Zohur-ud-din.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

The sum of 5,000 Rupees was on each of two former occasions granted as the allowances for two days, and is now again sent. Do you distribute it. No date.

Fifty-one Papers arranged under the head of Military are shown to Witness.

Question.—What do you know of the handwriting or Seals on these papers?

Answer.—In papers Nos. 1, 2, 3, 5, 6, 15, 16, 18, 20, 23, 24, 25, 26, 27, 28, 29, 31, 33, 37, 38, 41, 43, 44, 45, 46, 47, 48, 49, 50, all the orders are in the handwriting of the Prisoner: paper 21 bears the special cypher of the Prisoner, but it is not an autograph one: paper 17 is altogether in the handwriting of the Prisoner: papers Nos. 8, 9, 10, 12, and 14 are attested with the Prisoner's autograph cypher: papers Nos. 4, 11, 30, 42, and 51 are all in the handwriting of Mukund Lal, the Prisoner's Secretary, and are also attested with the Prisoner's special State Seal: I do not recognize the writing in papers Nos. 7, 22, 32, 36, 39, and 40. In paper 19, I recognize Mirza Moghal's Official Seal as Commander-in-Chief, and on paper No. 34 the impression is from his Seal as Governor General. In paper No. 13 the order is attested by the Seal of the Prisoner's Secretariat Office, and the Police Officer's report of the order having been carried into effect, is attested by his own private Seal, and that of the Bhadrapur Police Office.

These papers are now read and entered as follows:—

Papers arranged under the head of Military.

No. 1.

JOINT PETITION of Shekh Bansu, Corporal, and 60 Privates of the 44th Regiment Native Infantry.

Dated 24th May 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That your slaves started from Agra for Meerut, in charge of 90 Arab horses; brought their charge in safety to Aligarh, and came on thence to Bulandshahr. On arriving at Bulandshahr, they found that disturbances had commenced, and saw hundreds of the country people riotously plundering the Treasury. Feeling it a duty to their faith, and assured of God's sanction, they attacked these rioters, and secured what remained of the treasure, and brought it and the horses to Delhi, intending to make them over to your Majesty, as the property of the State. On our arrival at the bridge of boats, there remained in our possession 83 horses and the treasure, *minus* 45,000 Rupees, which were laden on two waggons and were plundered from us on the road. When we crossed the bridge, we were met by numbers of the townspeople who beat the grooms, and forcibly took away several of the horses. Had your slaves not been under the impression that these men had been sent by your Majesty for our protection, your slaves would have used resistance. The treasure and the twenty-two horses which remained with us have been made over to the Government. The missing horses are, however, still with the Cavalrymen and others who took them from us, and can be recognized by the grooms. We therefore pray that orders may be issued to Mirza Moghal, to recover them, as they are pointed out by the grooms, from the men in whose possession they are, and to restore them to the State.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will institute inquiries, and tracing the horses, upon the clues the petitioners may give, will settle this matter in the way that may be proper.

NOTE ON THE REVERSE.—" Remained in abeyance."

No. 2.

PETITION of Mirza Moghal.

Dated 29th May 1857.

To

THE KING! SHELTER OF THE WORLD!

As your Majesty's Army is about marching to Meerut, in view to efficient arrangements being made for collecting and protecting Commissariat supplies, it is urged that 20 horsemen and 50 footmen of the new levies, may be assigned to your slave for this purpose. Petition of the slave Zohur-ud-din.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mir Haidar Husein Khan will depute 20 horsemen, and Shah-Rukh Beg 50 footmen. (The rest of the order is illegible.)

No. 3.

PETITION of Gouri Shankar Sukal, of the Hurrianah Light Infantry Battalion.

To

THE KING! NOURISHER OF THE POOR!

The state of affairs here is. That by the blessing of God, and through your Majesty's auspices, your Majesty's rule was established at 10 o'Clock A. M. to day. The Districts of Hissar and Sirsa are both in the possession of this Regiment, and be assured the Corps will shortly come to your Majesty's presence, bringing treasure with them. We urge for your consideration that our strength is that of only one Regiment, and some men are absent on general and special leave. Moreover, we have hitherto furnished detachments which were relieved monthly, for the command duties at Sirsa and Hissar. The distance from Hansi to Sirsa is 90 miles, that from Hansi to Delhi is 90 miles more. It will be difficult for us, being only one Regiment, to travel over this 180 miles with the Treasuries of two Districts. It is on this accoun urged for your

Majesty's consideration, that a reinforcement of Artillery and Cavalry may be sent to our aid, as also a relief to take our place here. An order is also required specifying whether we shall come by the way of Rohtak, or by that of Jhajjar. A further petition is, that the British Troops from Karnaul will certainly come to cut us up. It is necessary, therefore, that your Majesty should reflect on this, and issue your commands accordingly. (Prayers for the King's prosperity.) Petition of the slave Gouri Shankar Sukal, Hurrianah Light Infantry Battalion.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will make all necessary arrangements.

No. 4.

ORDER ATTESTED WITH THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

Dated 30th May 1857.

THE OFFICERS AND ALL THE TROOPERS OF THE 4TH REGIMENT OF IRREGULAR CAVALRY, TO THE MEN OF TWO COMPANIES OF THE 5TH REGIMENT OF NATIVE INFANTRY, AND OF ONE COMPANY OF THE 29TH REGIMENT NATIVE INFANTRY, AND TO ALL OTHER CAVALRY AND INFANTRY, BESIDES CHUNI LAL AND RAMCHARAN, TROOPERS OF THE 5TH TROOP, 4TH REGIMENT OF IRREGULAR CAVALRY.

Have come into our Royal presence, and affirmed, that the whole Army, Cavalry and Infantry, entertain the resolve to tender their allegiance at our Royal Court, and that they can bring with them treasure and the various munitions of war. In acceptance of their prayers it is ordered—provided that murder and the pillage of villages on the way, and in the vicinity of the seat of the Imperial Government, shall not be perpetrated, and provided also that after reaching the Royal presence you will observe full obedience in all matters—then without hesitation or delay present yourselves at our Court, bringing the treasure alluded to. The Royal favor will in every way be bestowed on you slaves.

No. 5.

PETITION of Mirza Moghal.

Dated 9th June 1857.

To

THE KING ! SHELTER OF THE WORLD !

Your Majesty has been pleased to direct that your slave should proceed into the Batteries, and your slave accordingly sent for and consulted General Abdul Sammad Khan Bahadur,* telling him that he should also go. He, however, replied that, as no further confidence could be placed on the Infantry, and the Cavalry only could be depended on, his advice was not in favor of my going, nor would he go himself. He added, that when the forces of the Chief's† Government, however, shall have arrived, the soldiers composing them being experienced and tried veterans, his and my going into the Batteries then, will be proper. Your Majesty's orders directed that I should not act in any matter without the said General's concurrence; and he not giving his consent in this business, your slave refrained from going with some Troopers, who came and clamoured for his accompanying them. Other particulars relating to this matter I shall submit verbally, and as regards your Majesty's commands, that Mir Haidar Husein should not be allowed to have any thing to do with the Artillery, or I should be visited with your Majesty's displeasure and reprehension, your slave had prohibited his interference; but the Troopers themselves seized Haidar Husein, and carried him away. (Prayers for the King's prosperity.) Petition of the slave Mirza Zohur-ud din.

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* Father-in-law of the Jhajjar Nawab.

† Jhajjar Nawab.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

The contents of the petition have been understood. Act according to Abdul Sammad Khan Bahadur's suggestions.

No. 6.

ORDER UNDER THE AUTOGRAPH SPECIAL CYPHER OF THE KING, IN PENCIL.

Dated 10th June 1857.

To

MIRZA MOGHAL.

SON,—The illustrious and valiant Mirza Moghal Bahadur! Learn! That Gulab and Jowalla Singh, residing in Pahari Dharang, convey supplies to the enemy, and intelligence has just arrived that they are now there. You are imperatively directed immediately to despatch one Company of Regular Infantry and 50 Troopers of the Regular Cavalry, to arrest them and their associates. Do not allow any delay in this business.

NOTE ON THE REVERSE.—" Orders issued."

No. 7.

PETITION of Zabtay Khan, attached to the Police Station of Basant.

Dated 16th June 1857.

To

THE KING! ADORATION OF THE WORLD!

I have this day received certain information that near 2,000 Troops, who have revolted from the British, and are now coming from Nasirabad, are encamped at Garhi Harsara to-day, and will be here to-morrow. There are no means for arranging for the usual supplies at this place. I hope, therefore, that some Officer or Troopers will be deputed by your Majesty, on this duty. (Prayers for the King's prosperity) A further petition is, that your petitioner had no previous knowledge of the approach of these Troops, or he might have made arrangements in anticipation. The information brought to-day was quite unexpected. May it be suggested that such orders should now be issued as can be carried out. Petition of the slave Zabtay Khan, attached to the Police Station of Basant. No order on the petition.

NOTE ON THE REVERSE.—" Orders have been issued 16th June 1857."

No. 8.

ORDER UNDER THE AUTOGRAPH SPECIAL CYPHER OF THE KING, IN PENCIL.

Dated 20th June 1857.

To

MIRZA MOGHAL.

SON,—The illustrious and valiant Mirza Muhammad Zohur-ud-din, otherwise Mirza Moghal Bahadur! Learn! That six carts have been prepared to bring in Saltpetre, which is stored outside the City, as it is required for the manufacture of powder. You will, therefore, assign 25 men of the Regular Infantry to protect it on the road, so that the quantity required may be carefully conveyed to the Magazine, and you will also issue a written order to the Military Guard at the Lahore Gate not in any way to hinder the passage in and out of the carts employed in its conveyance.

No. 9.

ORDER UNDER THE SPECIAL CYPHER OF THE KING, IN PENCIL.

Dated 18*th June* 1857.

To

MIRZA MOGHAL.

SON,—The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal Bahadur. Learn! That we have received a petition from the Officers of the two Regiments of Infantry, and of the Artillery and Cavalry come from Nasirabad, submitting, that if permission is granted, they will raise Batteries on three sides and attack the enemy, and urging that it is necessary for the Regiment of Sappers and Miners to construct the Batteries, and for the whole of the Cavalry present to protect every part of the rear of the attacking Force, so that the petitioners may make the attack the day after to-morrow. This petition has been laid before us, in order that measures may be adopted to carry out its suggestions, and you are accordingly directed to issue written orders to the Sappers and Miners, and to the whole of the Cavalry, to accompany the Nasirabad Force, the first to construct the Batteries, and the second to co-operate in the attack, the day after to-morrow.

No. 10.

ORDER UNDER THE AUTOGRAPH CYPHER OF THE KING, IN PENCIL.

Dated 20*th June* 1857.

To

MIRZA MOGHAL.

SON,—The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal Bahadur. Learn!—That owing to the large daily expenditure of powder, none is now left in the Magazine, and orders have in consequence been issued that materials required in its manufacture should be purchased: and that though large numbers of powder-makers are employed, it cannot be produced as expeditiously as is necessary, while the daily demand for it is very emergent. You are directed to collect it from the men named in the subjoined list, as well as all that you may find after search in places where barrels of it are likely to be forthcoming, and to have all you may thus collect conveyed to the Magazine by to-morrow. Consider this business as taking precedence in importance above all others, and see that every necessary precaution is observed in conveying the powder to the Magazine, so that when it is required, there may be no interruption to the operations, and a cause of complaint as well as of danger to the men when fighting, may be removed. Be assured of our kindness.

From our Son, the illustrious Mirza Khair Sultan Bahadur ...	350 Barrels.
From the 74th Regiment Native Infantry at the Lahore Gate ...	232 Barrels.
From the men of the 38th Regiment Native Infantry stationed at the Delhi Gate of the Palace	80 Barrels.
From the Cashmere Gate (about)	70 Barrels.
From all the Regiments, all that may be found with them.	

No. 11.

ORDER UNDER THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

Dated 21*st June* 1857.

To

Mirza Moghal.

Son,—The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal Bahadur. Learn! That you are directed to take 10 Marquees and 10 Sepoy's tents from the 20th, 74th, 38th and 11th Regiments of Native Infantry, and to have them given over to the 30th and 15th Regiments of Native Infantry, and to the Artillery going into the Batteries to oppose the enemy. Be assured of our kindness.

No. 12.

ORDER UNDER THE AUTOGRAPH CYPHER OF THE KING, IN PENCIL.

Dated 24*th June* 1857.

To

Mirza Moghal.

Son,—The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal Bahadur. Learn! That you are directed to see that the rations for the men of the Cavalry and Infantry be sent to the Batteries with the same regularity as the ammunition, and that no one be permitted to take or make away with these rations on the road. The supplying of rations to the Army is a matter of pre-eminent importance. You are, moreover, directed to apply by petition for all articles which may be required for the rations, and they will be despatched immediately.

Note on a corner at top.—" Index No. 26."

No. 13.

ORDER UNDER THE KING'S STATE SEAL.

Dated 27*th June* 1857.

To

The Emblem of Honor, Khwaja Nazir-ud-din, Police Officer of Bhadrapur.

Be it known to you! That information is derived from your petition of the arrival in Arab Serai, of some men of the Cavalry and Infantry of the Neemuch Force, and of their demanding large quantities of Commissariat necessaries and confectioneries from the Bazaar people, which in consequence of the paucity of the population, are not procurable. It is observed also that you request that the Chief Police Officer of the City may be directed to send out the supplies required, and accordingly, orders in this particular were immediately issued to him. But owing to the unsettled state of affairs in the City, the presence of the soldiery of the Regular Infantry, and to the circumstance of most of the shops being closed, it will be difficult to supply confectionary in the quantity needed:—meal, &c., may be procured. Moreover, agreeably to the request of you, emblem of honor, 20 men of the Infantry and 10 of the Cavalry, servants of the King, are sent that you may make use of their services on this occasion. On the departure of the Force you will allow these men to return. A special order to the Officers of the Force in question is enclosed. You will have this delivered immediately, so that no excesses or ill-usage may be committed against the Bazaar people, or other residents of the place.

Note on the Reverse—Received 26th July 1857.

POLICE OFFICER'S answer on the Reverse.

Dated 27th July 1857.

To

THE KING ! NOURISHER OF THE POOR !

Your Majesty ! The 20 foot Soldiers and 10 Troopers who were sent to your slave, in view to his using their services, were sent back to your Royal presence after the departure of the Force which came from Neemuch. Wazir Ali Jemadar and the Infantry Sepoys afforded the services required from them, in full accordance with your slave's wishes. Your slave has further to submit, that the supplies sent by the Chief Police Officer of Delhi arrived at 3 o'Clock in the afternoon after effectual arrangements had been made here, and were returned. Petition of the slave, Khwaja Muhammad Nazir-ud-din Khan, Police Officer of Bhadrapur, staying at Arab Serai.

Seal of the Bhadrapur Police Officer, engraved in the year of the King's reign 21st. Also seal of Khwaja Muhammad Nazir-ud-din Khan.

ORDER WITHOUT SIGNATURE OR SEAL.

Ordered that this be filed in the office.

No. 14.

ORDER UNDER THE KING'S SPECIAL AUTOGRAPH CYPHER, IN PENCIL.

Dated 29th June 1857.

To

MIRZA MOGHAL.

SON,—The illustrious Mirza Zohur-ud-din, otherwise Mirza Moghal Bahadur ! Learn that the river has to-day risen very considerably, while intelligence has been received that the Bareilly Troops will arrive to-morrow ; stringent orders have accordingly been issued to the Superintendent of the Bridge, to get together all the boats he can collect, and to have this Force ferried across the river. Using boats, it will have to cross in portions, and the whole of the Force will not be able to get over at once; and as a measure of precaution, therefore, you, our Son, are now directed to issue an order to the Officers under your seal, that no one, neither Officer nor Private, of those crossing in the boats, subject the Superintendent or boatmen to any ill-usage or violence, as stringent orders to repair the Bridge have also been issued. The inconvenience of a day or two ; therefore, they ought to put up with cheerfully.

No. 15.

PETITION of Mirza Moghal.

Dated 30th June 1857.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That an Elephant taken from the Batteries of the enemy, has this day been brought in, escorted by some troopers and some Jahadis ; and is now forwarded with this petition, to your Royal presence. Your slave trusts, he will be favored with a receipt. (Prayers for the King's prosperity.) Petition of the slave, Mirza Zohur-ud-din.

AUTOGRAPH NOTE BY THE KING, IN PENCIL

The Elephant has reached the Royal presence.

NOTE IN INK.—" Received 16th July 1857." " 499." (Index number apparently.)

No. 16.

JOINT PETITION of Mirza Moghal and Mirza Abdulla.

Dated 1st July 1857.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That the Bridge has now been thoroughly completed, and that the petitioners trust, therefore, that the Troops arrived from Bareilly, &c., and now encamped on the opposite side of the river, may be allowed to cross over during the night, as during the day the shot and shell of the English continue to fall. If it is so ordered, these Troops will be made to encamp outside the Ajmir Gate. On the other hand, whatever orders are issued will be complied with. The petition of Mirza Zohur-ud-din and Mirza Abdulla Sahib.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Direct this Force to encamp outside the Turkoman Gate.

NOTE IN THE MARGIN—" Index No. 242."

ORDER ON THE REVERSE, WITHOUT SIGNATURE, BUT AUTHENTICATED BY AN OFFICIAL SEAL—(Impression just sufficiently legible to show that it is the Seal of the Commander-in-Chief, Mirza Moghal.) Ordered that the orders in this case having been carried out, this petition be filed in the Office. Dated 2nd July 1857.

No. 17.

AN AUTOGRAPH ORDER OF THE KING, IN PENCIL.

No date.

To

THE ESPECIAL SLAVE, THE LORD GOVERNOR, MUHAMMAD BAKHT KHAN BAHADUR.

Receive our favor and understand. That whilst the Neemuch Force has reached Alapur, its baggage is still here, and that you are, therefore, directed to take 200 Troopers and 5 or 7 Companies of Infantry, and to have all the baggage alluded to, such as tents, &c., together with Commissariat Supplies, conveyed by these Ghazis to Alapur. You are further directed not to allow the infidels staying near the Eedgah to advance. Be it known to you further that if the Army returns without victory, and divested of its appliances of war, the consequences must be disastrous. You have been premonished, and you are to consider these orders stringent.

No. 18.

PETITION of Mirza Moghal.

Dated 9th July 1857.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That Sarfaraz Khan Duffadar, and Muhammad Khan Artilleryman, coming over with their horse from the batteries of the enemy, report the capture of the hostile battery at Sabzi Mandi and of two of the enemy's guns by the Ghazis of your Majesty's victorious Army. May this auspicious event be a subject of gratulation to all well-wishers of the State. These two men who have now come to the Royal presence, were the servants of the enemy. They have now girded their loins in your Majesty's cause. (Prayers for the prosperity of the reign.) Petition of the slave Zohur-ud-din, attested with the official Seal of the Commander-in-Chief Bahadur.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

The contents of this petition have come to our knowledge. May the event be auspicious to you, the light of our eyes* also.

No. 19.

PETITION of Mirza Moghal.

Dated 12*th July* 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That your slave, agreeably to your Majesty's orders, explained your wishes to the Chiefs of the Army, and that yesterday, Muhammad Bakht Khan General Bahadur came to your slave. Hearing your wishes from him, I again explained them to all the Officers of the Army, to the best of my ability, but they would not assent to them. Your slave therefore encloses the petition of the Officers for your Majesty's consideration. Further whatever orders.† It was necessary, and has therefore been submitted. (Prayers for the prosperity of the reign.) Petition of the slave Mirza Zohur-ud-din, attested with the official Seal of the Commander-in-Chief Bahadur.

No. 20.

PETITION of Mirza Moghal.

Dated 12*th July* 1857.

To

THE KING! SHELTER OF THE WORLD!

The musket locks and other Magazine property, which have been found in the house of Hulasi Lascar, are forwarded to your Majesty's presence, with a separate detailed list. (Prayers for the prosperity of the reign.) Petition of the slave Zohur-ud-din.

Separate List.

List of Magazine property found in the House of hulasi Lascar in the presence of Siddhai, Jemadar of Lascars, Kalka Tewari, Sepoy ——th Company of —— Regiment Native Infantry, and Karim Baksh Trooper of the 4th Irregular Cavalry, on the 12th July 1857, on information lodged by Ragunath Rao Sepoy of the ——Regiment Native Infantry.

Pistol barrel with ramrod	1
Brass mountings of a stock	1
Pistol ramrod (iron)	1
Musket bayonets	6
Musket and Pistol locks, large 9, small 20	29
Pieces of the work of a lock	3
Nails and hooks	14

AUTOGRAPH NOTE, AUTHENTICATED BY KING'S CYPHER, IN PENCIL.

Have reached the Royal presence.

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* A term of endearment, meaning "my son."

† A short form of expression with which petitions are frequently closed, meaning that such orders as are issued will be carried into effect.

No. 21.

PETITION of all the Officers of the 11*th Regiment Native Infantry.*

Dated 16*th July* 1857.

To

THE NOURISHER OF THE POOR ! HIS HIGHNESS THE GENERAL SAHIB BAHADUR !

Yesterday about noon—Kalyan Singh, Corporal, having eaten his dinner, went to the ramparts, where he found Mahabal Singh, Sepoy of the 2nd Company 11th Regiment Native Infantry, who was on duty at the time, as sentry over the guns, asleep at his post. Seeing this neglect, the Corporal took away the sentry's musket, and then wakening him, asked him what had become of it. The sentry replied that he did not know who had taken it away. The Corporal immediately reported the circumstance to Somair Singh, Subadar Bahadur, and agreeably to his orders, the Sepoy was placed in arrest. To-day all the Officers of the Regiment assembled as a Court, and the prisoner, Mahabal Singh, appearing before them, acknowledged having been asleep while on duty as a sentry. The offence of the prisoner being thus established by his own confession, he is forwarded to your Highness with this petition. The punishment which may be awarded by your Highness will be approved of by all of us. The petition of all the Commissioned and Non-Commissioned Officers of the 11th Regiment Native Infantry, stationed at the Ajmir Gate.

ORDER BY THE KING.

ORDERED.—That your petition, reporting the offence of Mahabal Singh, Sepoy, in going to sleep while on duty as a sentry, as established by his own confession before the Court, and forwarding him to the Court of the Commander-in-Chief Bahadur, with the view that the punishment necessary in the case might be awarded, has been considered. Your Court are therefore directed yourselves to determine what punishment may be adequate, and to carry it out at once. Your decision will be approved of. Authenticated by the King's Autograph cypher in ink. Dated 17th July 1857.

NOTE BELOW THE ORDER—" An order has been written."

No. 22.

PETITION of Mirza Moghal.

Dated 17*th July* 1857.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That your Majesty is cognizant that before Muhammad Bakht Khan came, active operations of war were carried on daily, and without intermission, and your Majesty knows likewise that, since the arrival of the Bareilly General, several engagements have taken place. It so occurred to-day that your slave, purposing to make an attack, had formed the Army and taken it outside the City, when the above-named General interposed, and for a long time kept the whole Force standing inactive, wanting to know by whose orders it had gone out; and saying that it was not to proceed without his permission, caused it to return. A proceeding like this, even an open enemy would not attempt, namely, that the Army should be proceeding to an attack, and one should interfere and cause it to return. Your slave therefore supplicates, that if the entire control and management of the Army have, from the Royal presence, been bestowed on the said General, your slave may be directed, by written order, to refrain from interfering in all military matters, and he will no longer interfere, but will acquaint the Officers of the Army that, for the future, they are to remain with the said General, and are to yield obedience to him. Having his orders reversed cannot but cause vexation and chagrin to any Officer, high or low. If, on the other hand, the control of the Army is supposed to be vested in your slave, the said General should not interfere. He has entire authority over his own Regiments. Such demands as are made for the services of his Regiments from this, he should invariably comply with. Petition of the slave Zohur-ud-din. No order.

No. 23.

PETITION of Mirza Moghal.

Dated 19*th July* 1857.

To

THE KING! SHELTER OF THE WORLD!

Your petitioner's prayer is, that through your Majesty's propitious auspices, arrangements have now been completed for carrying on active offensive operations daily, night and day, and that, since yesterday, this has been done. If aid could be afforded now from the direction of Alapur, with the Divine blessing, and through the influence of your Majesty's ever-enduring prestige, a final and decisive victory, it is to be expected, would soon be obtained. I therefore pray that positive orders may be issued from the throne to the Bareilly General, to afford the aid in question, that is, that he be directed to proceed with his Troops to Alapur, and to make an attack on the infidels from that direction, while your slave, with his Division of the Army, makes another on this side, so that the two Forces co-operating in the fight, may, in one or two days, consign all the damnable helldoomed infidels to hell. Moreover, it is to be expected that the Force going to Alapur will cut off the enemy's supplies. It was necessary and has been therefore submitted. (Prayers for the prosperity of the reign.) Petition of the slave Zohur-ud-din.

AUTOGRAPH ORDER BY THE KING IN PENCIL, AUTHENTICATED WITH CYPHER.

Mirza Moghal will make whatever arrangements may be proper.

ORDER ON THE REVERSE, WITHOUT SIGNATURE OR SEAL, (apparently by Mirza Moghal, in furtherance of the King's approval of his suggestions.)—Ordered that an order be written to the Bareilly General. No date.

NOTE BELOW THE ABOVE ORDER. "It has been written." On the face—"No. 1024," and immediately below it.—"Received 30th July 1857."

No. 24.

PETITION of Mirza Moghal.

Dated 30*th July* 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That a petition has this day been presented by Amir Khan, Risaldar of the 4th Troop, requesting that the horse gear, detailed in the subjoined list, might be supplied to him. Your Majesty is therefore petitioned for permission to have the things in question made over. Petition of the slave Mirza Zohur-ud-din.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will have the horse gear given as demanded.

No. 200.

ORDER ON THE REVERSE, WITHOUT SIGNATURE OR SEAL, (but given probably by Mirza Moghal in furtherance of the King's order.)—Ordered that when the gear of all the horses is given, these will also be supplied. Dated 30th July 1857.

No. 25.

PETITION of Khwaja Khairat Ali, Clerk in the Governor's Office.

Dated 1st August 1857.

To

THE KING! SHELTER OF THE WORLD!

It is fully manifest to your Majesty, that since yesterday, twenty thousand Troops have been suffering the greatest inconvenience and discomfort, exposed to rain, and unsupplied with food. I therefore trust that an order may be issued to the Chief Police Officer of the City to dispatch, for the present, one hundred maunds of parched Gram to the Camp on the other side of the Bussye Bridge. Otherwise, this will be the second day of starvation to the Troops. It has been submitted for information. Petition of the slave, Khwaja Khairat Ali, Clerk in the Governor's Office.

AUTOGRAPH NOTE BY THE KING, IN PENCIL.

The purport has been learned. Note on the face "3rd August 1857, Index No. 1165."

No. 26.

PETITION of Khairat Ali, Clerk in the General's Office.

Dated 1st August 1857.

To

THE KING! LORD OF THE WORLD!

RESPECTFULLY SHEWETH,—That one Company of the 18th Regiment Native Infantry has since yesterday been present in the Battery at the Eedgah, while the said Regiment has gone with the Lord Saheb to Alapur. This Company also is now ordered to proceed thither. Your petitioner begs that a relief may be sent from the Regiments in the City, to take its place in the Battery. Beyond this, it is for your Majesty to determine. Petition of the slave Khwaja Khairat Ali, Clerk in the General's Office.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will arrange this immediately.

NOTE IN THE MARGIN.—"Received 3rd August 1857."

No. 27.

PETITION of Ghulam Mu'id-ud-din Khan, Principal Risaldar.

No date to the petition.

Date of final orders, 2nd August 1857.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH!—That your slave has come to this City from Tonk, accompanied by nearly 500 men, who are organized as a body, and by nearly 1,500 besides, who have come devoting their lives, to fight in the religious war against the infidels. That he and his followers joined in the attack yesterday, that eighteen infidels were dispatched to hell by your slave's own hand, and that five of his followers were killed and five wounded.

Your Majesty! The rest of the Army gave us no help whilst we were engaged in combat with the infidels. Had they even stood by, only to make a show of support, it was to have been expected that with the help of Providence, a complete victory would yesterday have been obtained. But there is no remedy against the will of God. I trust that some arms, together with some trifling funds, may be bestowed on my followers, so that they may have the strength to fight against and slay the infidels, and in doing this, may realize their desire. (Prayers for the prosperity of the reign.) Petition of the lowly slave, Ghulam Mu'id-ud-din Khan, Chief Risaldar, came from Tonk. No date.

ORDER ON THE REVERSE, WITHOUT SIGNATURE, CYPHER OR SEAL, PROBABLY BY MIRZA MOGHAL.—Ordered that at present there are no arms.' When some shall have arrived, they will be given. Funds will also be arranged for and bestowed.

No. 28.

PETITION of Bakht Khan.

Dated 4th August 1857.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That I have on two or rather on three former occasions, petitioned your Majesty for Artillery, and now again submit this petition, to be supplied with the following ordnance :—

12-Pounder Guns, four. If four can be granted well, otherwise let two certainly be given.

18-Pounder Guns, also four. If four can be granted it will be just what is desired, if not the presence of two is certainly advisable.

24-Pounder Guns, let the same number be granted, and it will be extreme kindness to your slave, otherwise the presence of two is extremely desirable. Also 32-Pounder Guns, four or two. It will be a great favor.

Mortars, 10-Inch, four ; 8-Inch, four ; and 5½ Inch, four, and 24-Howitzers, eight.

And I also trust I may be favored by your Majesty with the full allowance of ammunition for these guns, such as shell, shrapnell, and common shells. (Prayers for the prosperity of the reign.) Petition of the special slave, attested with the seal of Muhammad Bakht Khan.

No. 1183.

AUTOGRAPH BY THE KING, IN PENCIL.

Mirza Moghal will make arrangements.

ORDER ON THE REVERSE, WITHOUT SIGNATURE OR SEAL, (apparently by Mirza Moghal, in furtherance of the King's order.) Let an answer be written. It is known what number of guns there are.* Dated 3rd August 1857.

No. 29.

ORDER UNDER THE SEAL OF MIRZA MUHAMMAD KHAIR SULTAN BAHADUR, SON OF MUHAMMAD BAHADUR SHAH, KING, DEFENDER OF THE FAITH.

Dated 11*th August* 1857.

To

THE OFFICERS, SUBADARS, CHIEFS AND OTHERS OF THE WHOLE MILITARY FORCE COMING FROM THE BOMBAY PRESIDENCY.

To the effect, that the statement which some person has made to you, of the defeat of the Royal Troops at Delhi, is altogether a false and lying fabrication, contrived by the contemptible infidels, namely, the English. The true story is, that nearly eighty or ninety thousand regular organized Military Troops are now present here, nearly ten or fifteen thousand Regular and other Cavalry. These troops are constantly engaged, night and day, in attacks upon the infidels, and have driven back their batteries from the ridge. In three or four days hence, please God, the whole ridge will be taken, when every one of the base unbelievers will be humbled and ruined, and will be sent to hell. You are therefore directed immediately on seeing this order, to use every endeavour speedily to reach the Royal presence, so that joining the army of the faithful, you may give proofs of your zeal, and may establish your claims to renown. Consider this imperative.

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* Uncertain.

ORDER.

FROM MIRZA KHAIR SULTAN TO THE BOMBAY ARMY.

Dated 11*th August* 1857.

Giving assurance that the report of the defeat of the Royal Army is a lying invention of the English, who will themselves be exterminated in three or four days.

No. 30.

ORDER UNDER THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

Dated 13*th August* 1857.

To

THE SLAVES, THE EMBLEMS OF VALOR! KARIMULLA KHAN, RISALDAR, 1ST REGIMENT. LAL SINGH, SUBADAR, 1ST TROOP OF ARTILLERY. SAHIB LAL, SUBADAR, 2ND TROOP OF ARTILLERY. SHEKH IMAM-BAKSH, SUBADAR, 3RD TROOP OF ARTILLERY. LAL PANDE, SUBADAR, 4TH TROOP OF ARTILLERY, RAM SINGH, SUBADAR, 5TH TROOP OF ARTILLERY. AMANAT ALI, SUBADAR, 1ST REGIMENT OF INFANTRY. LALLA PRASHAD, SUBADAR, 2ND REGIMENT OF INFANTRY. JIWA SINGH, SUBADAR, 3RD REGIMENT OF INFANTRY. RAMDIN, SUBADAR, 4TH REGIMENT OF INFANTRY. BASHARAT ALI, SUBADAR, 5TH REGIMENT OF INFANTRY—OF THE GWALIOR CONTINGENT FORCE, AND THE OFFICERS OF THE MORAR INFANTRY.

Learn! That the petition of you slaves has been perused, and the brave acts of you valiant Soldiers experienced in war have been ascertained. It is incumbent on you, that, accompanied by the Infantry of the Gwalior State and the Rajah, you should engage in steps to capture the Fort of Agra, or you may obtain treasure from the Rajah, and use means to capture the Fort with your own forces. From the officer down to the private, each and every individual will be deemed deserving of our highest favour and consideration, and will be honored with favors and preferments beyond limit, and will in gradation be advanced to the ranks of Adjutant, General and Colonel.

No. 31.

PETITION of Muhammad Baksh Ali, formerly Jail Superintendent of Jhansi.

Dated 18*th August* 1857.

To

THE KING! DISPENSER OF BLESSINGS ON THE WORLD! SHELTER OF MANKIND, &c.

RESPECTFULLY SHEWETH,—That the order passed on your slave's petition, that besides the 500 Soldiers now present, he may entertain sufficient men to complete a Regiment of Infantry, shall be carried into effect. Your petitioner's request, however, was that orders might be issued, to change the designation of the force under your slave, from that of Ali-Ghol*, for any other which your Majesty might be pleased to select, as the men composing it have been thoroughly drilled and disciplined.

Whatever designation your Majesty may now assign them, they will always retain. Your slave, therefore, prays that orders under your Majesty's Seal and Signature, may be issued in this matter. (Prayers for the prosperity of the reign). Petition of the lowly Muhammad Baksh Ali, Superintendent of the Jhansi Jail, officer of the Ali-Ghol.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Shamshir-ud-dowlat Bahadur will have an order written after the usual form of such orders. The name " Faiz" is assigned to this Regiment.

NOTE ON THE REVERSE—An order has been written. 18th August 1857.

No. 32.

ORDER FROM THE KING, WITHOUT SIGNATURE, CYPHER, OR SEAL, APPARENTLY AN OFFICE COPY.

Dated 21st August 1857.

To

ALL THE OFFICERS OF THE BOMBAY ARMY, TWENTY-FIVE REGIMENTS OF INFANTRY AND THE ARTILLERY.

Girdhari Singh, Subadar of the Grenadier Company of the 16th Regiment, has come into our Royal presence, and given an account of your valour, bravery, and laudable aspirations, which we have been extremely gratified to hear. You are, from this day, to be reckoned our home-born slaves and servants. It is incumbent on you, therefore, immediately on seeing this order, to make double marches, and hasten to the Royal presence. On no account make any delay, for we are looking out for your arrival with anxious expectation. Use every activity, and come without making any halts on your march.

No. 33.

PETITION of Bhawani Singh, Private of the 30th Regiment of Native Infantry.

Dated 23rd August 1857.†

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That before men are employed in the Magazine, it is necessary that each individual should be made to declare his place of residence ; and the correctness of his statement on this point should be tested by a reference to the place itself, or he might be made to furnish security. And further, a descriptive roll of him should be prepared and should be placed in the office, and he should then be employed. If these precautions are observed, no fears for the safety of the Magazine need be entertained ; but if, without inquiry, every one is indiscriminately engaged, emissaries of the enemy may obtain admission, and cause much damage. Moreover, one officer with a clerk, might be stationed in the Magazine, for the sole purpose of mustering and inspecting the labourers, morning and evening, to see that no strangers or agents of the enemy are admitted. Your slave presents this petition solely from feelings of zeal, and relies on your Majesty's kindness and consideration for the issue of orders, under your

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* " Ali-Ghol"—a name applied to any band of men.

† There is no date to the petition ; the 23rd August 1857 is the date of the final order.

Majesty's signature, that efficient arrangements for the protection of the Magazine may be observed. (Prayers for the prosperity of the reign.) Petition of the slave Bhawani Singh, Private of the 30th Regiment Native Infantry.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will quickly make the necessary arrangements. Precautions in this matter above all others, are pre-eminently necessary.

Order without signature or seal, apparently by Mirza Moghal. Ordered that arrangements be made, dated 23rd August 1857.

No. 34.

ORDER BY GENERAL MUHAMMAD BAKHT KHAN, ATTESTED WITH HIS OFFICIAL SEAL.

Dated 23rd August 1857.

To

The Officers of the Regiment of Sikhs.

His Majesty the King just now summoned our Highness to his presence and said he had every confidence that the Sikh Regiment will perform great achievements of valor, and with condescension spoke of you in terms of the greatest praise, you are therefore written to to the intent that immediately on reading this order, 5 Companies will get under arms, and go to the Shamgir Battery.* You will on no account allow any delay to occur in this matter.

Signature at top illegible, office seal of the General Sahib.

Reply, on the Reverse, of the Officers of the Sikh Regiments, without Signature, Seal or date.

Your Highness, we have learned the purport of your orders, we have to submit, however, that our Regiment went into the Teli-wara Battery at 4 o'Clock P. M.

No. 35.

PETITION from Muhammad Bakht Khan.

Dated 23rd August 1857.

To

Mirza Moghal,—The Lord of Gifts, &c., &c., Mirza Muhammad Zohur-ud-din, Commander-in-Chief Sahib Bahadur!

The order directing me to send one officer from each corps of Infantry, Cavalry, &c. to meet as members of the Court arranged by your Highness's wish has been received. I sent for the Commissioned Officers in question, and explained to them the necessity for their attendance at your Court at 10. A. M. to-morrow. They have all willingly and heartily agreed to attend, as they have been directed. They urge, however, that their baggage has just now been laden; but that, after reaching Palum, they will return, and will, with hearty pleasure, attend the Court in question. This petition is submitted for your information. Petition of the slave Muhammad Bakht Khan, Lord Governor General, attested with the seal of Muhammad Bakht Khan, Commander-in-Chief of the Army.

Note on the face.—" The purport of the petition has been learned."

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* This was the Battery which was constructed on the other side of the river, and annoyed the picquet at the Metcalfe house.

No. 36.

PETITION of Jewaram Ajodhya Chobé and others, Commissioned Officers of the 3rd Regiment Native Infantry.

Dated 26*th August* 1857.

To

THE KING ! SHELTER OF THE WORLD !

Your Majesty's orders in the first instance were to the effect that such men as were late in joining the Royal forces, should be kept on as supernumeraries, in the grades in which they had formerly served. This order gave entire satisfaction to all the Officers and Soldiery. Those men who have been late in arriving have now, however, given a petition, and have had a seniority list prepared. All the Privates and Non-Commissioned Officers have in this matter accordingly represented to their Commissioned Officers the injustice they will suffer, if, to the prejudice of the evident claims of those who, coming long before, have been daily in the batteries, and have on every occasion yielded obedience to all your Majesty's commands, places are given to men who have joined after such great delay. We, all the Commissioned Officers of the 3rd Regiment of Infantry, therefore pray that your Majesty's first order, which gave such entire satisfaction to the whole Army, may be allowed to continue in undisturbed force. Considering it necessary, we have laid the matter before your Majesty. (Prayers for the prosperity of the reign.) Petition of the slaves Jewaram Ajodhya Chobé and others, all the Commissioned Officers of the 3rd Regiment of Infantry.

No order or note of any kind.

No. 37.

PETITION of Nur Muhammad Khan, Risaldar 10*th Irregular Cavalry.*

Dated 29*th August* 1857.

ABSTRACT OF PETITION IN THE MARGIN ABOVE THE ADDRESS.

The petitioner was in the 10th Regiment of Irregular Cavalry, which consisted of 600 Troopers; 50 of them are now here present, and have come to fight for their faith. The petitioner prays that he may be authorized to call in the whole of the Troopers, and re-enrol them.

To

THE KING ! SHELTER OF THE WORLD ! NOURISHER OF THE POOR !

My Corps, the 10th Regiment of Irregular Cavalry, was stationed at Peshawur in the Cantonments of Nowshera. Five of the Officers, Keshri Singh, Kalandar Khan, &c., combining with the infidels, and practising deceptions on the men, had us called out to a parade, and had our arms, such as carbines, swords, &c. taken from us. Cheerfully enduring the greatest hardships and difficulties for two months, we slaves have now come to your Royal presence to defend the faith and to offer up our lives in protecting your Majesty's throne. Moreover, the English having placed their Guns in position against us, we abandoned all our property, money, and three months' arrears of pay, and having accomplished the journey, have now presented ourselves at your Royal door to sacrifice our lives. Most of the Troopers of the 10th Irregular Cavalry have gone to their homes, but their residence is near. If I am authorized, I shall immediately call them all in, and set up the Corps at once, when it will remain in attendance, and will employ itself, night and day, in giving effect to your Majesty's orders. It will, besides, join in the attacks against the batteries, and its members will willingly sacrifice their lives, if necessary. This alone is your slave's ambition also. Let a written order be bestowed, that he may at once enrol the Troopers of the 10th Irregular Cavalry.

About 50 of them are now present with your slave. On obtaining your Majesty's order, he will enrol the rest. It was necessary, and I have therefore submitted it. (Prayers for the King's prosperity.) Secondly, if your Majesty's orders are kindly bestowed on your slave, and some horses are given to him, he will remain in attendance. Petition of the slave Nur Muhammad Khan, Risaldar of the 10th Regiment of Irregular Cavalry, come from Peshawur from the Cantonments of Nowshera, expectant of the Royal favor.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Be assured that favorable provision will be made for you.

No. 38.

PETITION of Colonel Ahmad Khan, stationed at Ghazi-ud-din-nuggur.

Dated 9th September 1857.

To

THE KING! NOURISHER OF THE POOR!

RESPECTFULLY SHEWETH,—That leaving your imperial presence, your slave came to Ghaziabad, and here learned that yesterday, the 8th of September, some Europeans, assisted by the Jâts, burned and sacked Pilkhowa, and three or four neighbouring villages. The force engaged in this destruction was comprised of about 30 Europeans, 300 Jâts of the Dühia tribe, and four Guns. They are still encamped there, and the farmers of the surrounding country, fearing similar devastation, and feeling their helplessness, are paying the revenue. Moreover, definite intelligence has been received to-day, that near 50 Europeans and Jâts, with two or three Guns, have assembled at Begamabad with the intention of destroying the bridge over the Hindun, and of desolating Ghaziabad; and have cut off the supplies which used to be taken to Delhi from Pilkhowa, &c. It is therefore prayed that, with kind consideration, your Majesty will send some Royal troops, accompanied by Guns, in this direction for the punishment of the infidels, so that full chastisement may be inflicted on them, and the collection of the revenue of the State may be commenced. If, however, delay shall occur, the bridge over the Hindun will be broken, and the Enemy will desolate Ghaziabad. Furthermore, there is a very strong fortress of masonry at the Village of Mukimpoor, near Pilkhowa, in which there are about 50 or 60 maunds of old gun-powder. Should the Europeans get into this fortress, their expulsion afterwards will be very difficult, and a second Dum Dumma* will come into existence, and I shall then be utterly unable to counteract their operations. If my Regiment of Infantry accompanied by Guns could be thrown into the said fortress, by to-morrow the English might be well punished, and would certainly be routed with deserved chastisement. But your Majesty being master, it is your prerogative to decide. Such orders as may be issued, will be carried out. (Prayers for the continuance of the King's power.) Petition of the slave, attested with the seal of Ahmad Khan, stationed at Ghaziabad.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will adopt measures agreeably to this petition.

On the reverse, an order, apparently autograph, attested by the King's cypher in ink.—The Brigade Major Sahib will know that he is to act as may be proper.

Another order, also on the reverse, without signature or seal, probably by the Brigade Major.—Ordered, that the 14th Regiment march on this duty. Dated 10th September 1857.

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* The name given by the Natives to the Artillery School at Meerut

No. 39.

PETITION of Kasim-ud-din Private of the 7th Company, 59th Regiment Native Infantry.

No date.

To

THE KING ! SHELTER OF THE WORLD !

Your Divine Majesty ! Your slave was a Private in the 7th Company of the 59th Regiment of Native Infantry, which was stationed at Amritsar. The English disarmed the men, and made them prisoners. Those of them, however, who get opportunities make their escape, and come away. Your slave has presented himself solely to fight for the faith. His arms, however, were taken from him by the English at Amritsar, and such personal property as he had has been plundered from him by the Goojars. He is now without funds to meet his daily expenses of food, and he is also without arms. He therefore trusts that he may now be enrolled in the 53rd Regiment of Native Infantry, in which a brother of his, by name Kasir-ud-din, is serving. Your slave also trusts that as he has come solely to fight for the faith, pecuniary assistance and arms may be bestowed on him ; and obtaining the means of subsistence, he will ever pray for your Majesty's prosperity. Petition of the slave, Kasim-ud din, Private 7th Company, 59th Regiment Native Infantry, come from Amritsar. No date. No order.

No. 40.

PETITION of Ghulam Ali, Superintendent of the Magazine.

No date.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That there is a flat-roofed house, situated near the Court of Justice, and at present in the possession of Mirza Kochuk Sultan, the same in the front of which musket bullets are being moulded, and the Magazine Stores which are your slave's charge, and are kept in the Hall of Public Audience, are not in sufficient safety. For instance, the wax and other things are lying outside and the men of the Army carry away what they please : your slave therefore trusts that the flat-roofed house aforesaid may be taken from the Mirza above respectfully alluded to, and made over to him, so that the wax and other things being all necessary articles may be deposited there and kept in safety. (Prayers for the prosperity of the reign.) Petition of the slave Ghulam Ali, Superintendent of the Magazine. No date.

No. 41.

JOINT PETITION of Mirza Moghal, Mirza Abdul Hasan, Shah Bakhtawar and Mirza Khair Sultan, Sons of the King.

No date.

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY PRAYETH,—That four Regiments of Infantry, two of Cavalry and twelve Guns of Horse and Foot Artillery, according to the detail below, with a full supply of ammunition, and other necessaries of war, and some treasure, may be speedily made over to your slaves, in order that they may proceed to Paneeput, and may there, through your Majesty's auspices, and by God's blessing, obtain immediate and complete victory, and at once return to the Royal presence.[*] This day has been fixed for our departure.

74th Regiment of Native Infantry ...	1
38th Ditto Ditto ...	1
54th Ditto Ditto ...	1
20th Ditto Ditto ...	1
Volunteers ...	400 Men.
Corps of Gwalior Cavalry ...	1
Corps of Regular Cavalry. ...	1
24-Pounder Guns ...	4
Howitzer and Mortar ...	2
Companies of Militia ...	2
Jhajjar Cavalry ...	100 Troopers.

Petition attested with the Seals of Mirza Sultan Zohur-ud-din, Commander-in-Chief Bahadur; Mirza Muhammad Abdul Hasan, Colonel of the 20th Regiment of Native Infantry; Shah Bakhtawar, Son of the King, Abu Zafar, and Mirza Khair Sultan Bahadur.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

The departure of you, our sons, is exceedingly right and proper; but first get a petition from the Officers of the Regiments expressing their willingness to accompany you, and lay it before us, that we may have assurance on this point. (A portion of this order is illegible, but the meaning of so much as has been deciphered is complete, and is not affected.)

No. 42.

ORDER UNDER THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

No date.

To

Mirza Moghal.

Son,—The illustrious and valiant Mirza Zohur-ud-din, otherwise Mirza Moghal Bahadur. Learn that the numerous applications presented by men of valorous aspirations who have already done much service, in the hope of obtaining employment as foot soldiers and horsemen, which you have submitted, enclosed in your petition, have been received. Considering the want of funds in the State Treasury, the absence of all present prospects of the realization of the land revenue from the different sub-divisions of districts owing to the circumstance that no military force has as yet gone out to arrange this matter, and the prevalence of murder and pillage in the immediate vicinity of the seat of Government, and further, in consideration of the collection in the city of large organized military forces from all parts of the Country, and the insufficiency of the treasures brought by them for their own daily expenses, permission to employ these men cannot be accorded, for whence can they be aided with funds, or pay, to meet their expenses? Such being the case, it is injudicious to give hopes to people whose homes are far distant; it is therefore ordered that you will distinctly inform the men giving the petitions referred to, and all others who may hereafter present similar petitions, that such of them as can remain for one or two months without requiring pecuniary assistance, may stay. When order shall have been established, and the revenue of the country realized, they will be rewarded with appointments commensurate with their several qualifications; but this, even then, will only be done when the prior claims of the regular Military troop shall have been satisfied. It is inexpedient, therefore, retaining men who are in pecuniary destitution, on the indistinct hope of employment hereafter, based on the contingency of the establishment of order. Please God, when the present disturbed state of affars shall have given place to tranquillity, when Officers to receive the revenue shall have been established throughout the Country, and the revenue shall have begun to come in from all directions, thousands of men may then be employed :—at present there is no option. Two of the petitions have been signed. The purport of all is the same, inform all the petitioners. Be assured of our kindness.

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[*] In the original literally "and at once" return and again realize the bliss of kissing your Majesty's feet.

No. 43.

JOINT PETITION of Jowahir Singh, Sepoy, stationed at Meerut,—Roushan Singh, Land-owner of Brajhari, and Chandi Ram, Land-owner.

No date.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That two days have now elapsed since your slaves submitted a petition, regarding arrangements in Babughar, Aligarh, &c.; but nothing appears to have been done by the Government as yet in the way of dispatching troops or adopting measures. It is to be apprehended that delay in the settlement of the said districts may lead to loss to the State, besides that involved in the loss of the Treasuries at present in safety at Babugarh, Aligarh, Chataur and other places. Cherisher of the Poor! at Babughar there are 20,000 Rupees under the safe custody of 24 Military men, and at Chataur there are 20 Lacs of Rupees in the charge of Mardan Khan, guarded by 600 Jâts, while the Treasury at Aligarh is forthcoming, guarded by 3 Companies of Regular Infantry. Moreover, there are 1,500 horses at Babughar, together with the money for their necessary current expenses. If your Majesty will take immediate steps for dispatching troops and for establishing arrangements in the above places, it is to be expected that the whole of the above said property will be secured and will come into your Majesty's possession; but if a delay of one or two days is allowed to occur, there is undoubted room for apprehension that it will be all lost. There is not a man of the English Army in the whole of the space between the two rivers* from Saharunpoor to Agra, who will offer to oppose one Regiment of Infantry sent by your Majesty. There is only one Turnbull, who, with the Joint Magistrate at Bulundshahr, continues exciting disturbances, enlisting men, and communicating intelligence. In case of delay on your Majesty's part, your Majesty's loss is to be apprehended. The inhabitants of 60 Villages, men of the Kshatri caste, are ready to lay down their lives for your Majesty. But the residents of the other side of the Ganges do not fully credit what your slave tells them. However, when these land-holders shall have seen a small body of troops placed under your slave, together with your Majesty's written order, and will have had the evidence of their own eyes, they will all engage to die in your Majesty's cause. I trust, therefore, that an order under the State Seal will be bestowed on your slave, directing him to raise new horse and foot levies. Assured of the help of the Military Force, 84 Villages in the holding of Kaihar Singh, Land-holder of Mukimpur, in the District of Meerut, and, in the same way, 87 Villages, with Devi Singh, farmer of Bhumrahi, who have already resolved to sacrifice their lives for your Majesty, will immediately on seeing the force and the order under your Majesty's Seal, openly engage with all their energies in your Majesty's cause. They are, as one body, animated by one soul, all of one mind with your slave. Your slave's only ambition is the welfare of your Majesty's Government. If delay is allowed to occur, serious loss to the State will be the certain result. Beyond this your Majesty has the power. It was necessary, and I have therefore submitted it, from zeal for your Majesty. It is requested that one Regiment of Infantry with Artillery, may be placed at your slave's disposal. (Prayers for the prosperity of the reign.) Petition of the slaves Jowahir Singh, Sepoy, stationed at Meerut, Roushan Singh, Land-holder of Brajhari, and Chandi Ram, Land-holder. Seal of "Roushan Singh, year 1253."

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* Doab.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will immediately issue orders to the Officers of the Infantry, and as regards the despatch of troops, will act agreeably to Jowahir Singh's requisition.

No date to either petition or order.

No. 44.

PETITION of Mirza Moghal.

No date.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That numbers of men who have recently arrived, expecting employment and are now in attendance at the Royal threshold, have presented petitions, praying that daily allowances may be assigned to them. These petitions are enclosed herein, and I trust that such orders as are issued, may be written on the face of each petition, so that they be acted upon. (Prayers for the prosperity of the reign.) Petition of the slave Zohur-ud-din.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

As regular Military Troops are now coming in great numbers, from all directions, and there is no money in the Treasury, under these circumstances how (a portion of the order here is illegible) is it to be done? You are accordingly directed to write in fuller detail.

In a corner at the top—No. 763.

No. 45.

PETITION of Rajab Ali.

No date.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That your slave has been sending for the Ordnance Stores from the Magazine, and having them placed for safety in certain cells in the Palace, ever since the day of the revolution. Nathu Khan, however, now objects to sending these stores, and opposes your slave's requisitions for their being brought from the Magazine to the Palace. Your slave therefore depends on your Majesty's kindly kindness and consideration, and trusts that an order may be issued to the Lord of the World, Mirza Muhammad Moghal Bahadur, that whatever stores your slave may write for may, on his requisition, be immediately forwarded from the Magazine, that they may be placed in safety. (Prayers for the prosperity of the reign.) Petition of the home-born slave Rajab Ali.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Our Son, Mirza Moghal, will imperatively direct Nathu Khan to forward to the Palace, without delay, all Magazine Stores that Rajab Ali may send for. Moreover it is not proper that Nathu Khan should remain in the Magazine. You will, therefore, appoint some other trustworthy person in his stead.

NOTE ON THE REVERSE.—" Orders have been issued."

No. 46.

PETITION of Rambaksh, Subadar of the 74th, and Kuli Yar Khan, Subadar Bahadur, of the 9th Regiment of Native Infantry.

No date.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That we entertain no manner of objection to go out and fight and to raise entrenchments in conformity with your Majesty's orders, to the address of us home-born slaves; but this is a day of the week on which it is unpropitious to proceed towards the East. We shall accordingly leave at a propitious hour. However, we will commence with the entrenchments, &c., at 3 o'Clock. We have submitted this for your Majesty's information. The petition of Rambaksh, Subadar, 74th, and Kuli Yar Khan, Subadar Bahadur, 9th Regiment of Native Infantry.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Both Regiments taking the necessary ammunition, will start to-night or certainly to-morrow.

No. 47.

PETITION of Mirza Moghal.

No date.

To

THE KING! SHELTER OF THE WORLD!

Your exalted Majesty may keep your mind free from every dread of the Enemy. Your slave has personally been staying in the batteries with the Troop for two days, and where the batteries of the infidels were, there they are still. They have made no advance. If their batteries had advanced very considerably, they must have come into the City. The whole Army is prepared to slay the infidels, and an attack is about being made immediately. Through your Majesty's prestige, the batteries will be speedily taken. And as some of the Soldiers come into your Majesty's presence, and report what they have heard, and not what they have seen, pray do not believe their statements; but be fully assured that so long as there is life in the frames of your slaves, no harm shall reach your Majesty. Beyond this, matters are in the dispensation of God. Your slave is not neglectful. Let it be known to your Majesty that he stays personally in the batteries. Petition of the slave Zohur-ud-din.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

The purport has been ascertained. Kadir Bakh* too is with you. Do whatever is proper. No date.

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* Kadir Baksh was the Commandant of Sappers and Miners.

No. 48.

PETITION of Ghulam Mirza Husein, Risaldar 18th Regiment of Irregular Cavalry.

No date.

To

THE KING! SHELTER OF THE WORLD!

RESPECTFULLY SHEWETH,—That your slave's forefathers and ancestors were, from antiquity, the servants of your Majesty, and all such dignities and distinctions as were conferred on them by your Majesty's illustrious house, are on record in the Royal archives. The day that the sun of your Majesty's dominion and power suffered eclipse, that same day desolation and ruin came to your slave's prospects and fortunes. Left destitute of option, he consented. to serve the infidels, and accordingly continued 55 years in the rank of a Risaldar. Hearing the fame of your Majesty's auspicious accession at Peshawur, where my Regiment is still stationed, after a thousand difficulties, I obtained leave from the Commanding Officer, and have now presented myself at your Majesty's door having left all my property worth thousands of Rupees, with the Regiment, in consequence of the displeasure of the English. Besides the loss of the property thus abandoned, your slave has suffered the following other losses. One house, recently built by him at an outlay of 5,500 Rupees, and five old houses worth 3,000 Rupees were razed to the ground on account of the Railway, and a bill for 3,500 Rupees on the Gurgaon Treasury, which your slave despatched before leaving the Regiment, was never cashed, owing to the disturbances, the Treasury itself indeed having ceased to exist. Moreover on the way, the Rajah of Patiala (doomed to banishment from God's sanctuary) had your slave plundered from hand to hand, of all the property, such as cattle, tents, and marquees, which he had with him. So completely did he do this, that your slave has not a horse left fit to ride. Having, ten days ago, presented himself at your Majesty's door, he now submits this petition, and prays that he may receive the distinction of being attached to some Force, or of being appointed to some District, so that he may efficiently and carefully discharge the duties which may be conferred on him. In consequence of your slave's having camels, a travelling carriage drawn by bullocks, servants, &c, his daily expenses are 7 or 8 Rupees. Considering it necessary, I have detailed every particular. (Prayers for the prosperity of the reign.) Petition of Ghulam Mirza Husein Risaldar of the 18th Regiment, resident of the District Gurgaon, Sub-division of District Palwal, Village of Saadatnagar. Seal of " Syad Ghulam Mirza Husein, 1255."

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal, I send the Petitioner to you, as he is an old Soldier.

No. 49.

PETITION of Mohan Pandé, Subadar, and Ishwari Prashad Pathak, Jemadar.

No date.

To

THE KING! NOURISHER OF THE POOR!

Your Majesty! The usual menial servants not having been procurable, were not entertained in your slave's company. They have, however, now been engaged, according to the list below, and we trust that their allowances from the date of their being entertained, may be granted. We have submitted this petition, as being necessary.

Brahman to supply water	1
Barbers	2
Washermen	2
Tailor	1
Shoemaker	1
Scavenger	1
Total	8

Petition of the slaves Mohan Pandé, Subadar, and Ishwari Prashad Pathak. Jemadar.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

In consequence of there being no money in the Treasury, nothing can be done just now. No date. Index No. 776.

No. 50.

JOINT PETITION of Kamdar Khan and others of the Constabulary Force.

No date.

To

THE KING! SHELTER OF THE WORLD!

We slaves, 50 men of the Constabulary Force, who were stationed over the Jail at Meerut, having come thence to your Royal presence, are now discharging all such duties as are assigned to us, by the orders of the Commander-in-Chief Bahadur. Your Army is now about to leave for Meerut, and sixteen of our number are anxiously eager to go and fight in its company. We therefore trust that Mirza Moghal may be ordered to direct us to go also, that through your Majesty's prestige, never to be overthrown, we may share in the victory. It was necessary, and has been submitted. Petition of Kamdar Khan and others of the Constabulary Force.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

The Officer of the Meerut Jail, on duty under the Palace lattices, will know that he is to go whithersoever our son Mirza Moghal may send him, and to forward to him any number of men that he may call for. He is to be obedient to all orders of our said son.

No. 51.

ORDER UNDER THE SEAL ENGRAVED IN THE KING'S SPECIAL CYPHER.

No date.

To

MIRZA MOGHAL.

SON,—The illustrious and valiant Mirza Muhammad Zohur-ud-din, otherwise Mirza Moghal Bahadur. Learn! That agreeably to orders of yesterday, the articles detailed below are now sent to you. Have them placed in the custody of your servants, and as the Commissariat arrangements are under your direction, do you act in this matter also as you may think proper. The distribution of money to the troops is entrusted to you, and is satisfactorily managed, inasmuch sa each individual receives the full amount of his claim. In the same way, with similar facility as regards these articles, you will be able to give different portions of the Army, Cavalry and Infantry, such quantities as they may severally require, and they will receive them at once. Be assured of our kindness.

Gram	... 63 Maunds.
Satu (meal of parched barley)	... 13 Maunds 30 Gra.
Sugar	... 13 Maunds 29 Gra.

Gur (Jagry)	61 Maunds.
Sweetmeats	30 Maunds.

Further, you, the light of our eyes, are at liberty either to appoint a contractor, or to manage the matter yourself, by making your own purchases in the market. No date.

The Court at 4 P. M. adjourns till to-morrow 11 A. M.

SIXTH DAY'S PROCEEDINGS.

TUESDAY, FEBRUARY 2ND 1858.

The Court re-assembled this day at 11 A. M. at the Hall of Special Audience in the Palace at Delhi. The President, Members, Interpreter and Deputy Judge Advocate General are all present.

The Prisoner is brought into Court, and Ghulam Abbas his assistant is also in attendance.

The Interpreter now reads in the original Persian the papers, the translations of which were perused yesterday.

Ahsan Ulla Khan, the Physician, is re-called into Court, and examined on his former affirmation.

EXAMINED BY JUDGE ADVOCATE.

Question.--Look at these six papers, and see if you recognize the handwriting of any of them. Six Persian papers arranged under the head of " Murder" are now shown to witness.

Answer.—The Orders on Nos. 1 and 6 are in the hand of the Prisoner, papers 2, 3, 4 are in the handwriting of Khairat Ali, who was clerk in the Office of Bakht Khan, as Governor General: this man was in the habit of bringing papers of the kind ready prepared and having them attested with the King's seal, and so attested used, with the Prisoner's sanction, to despatch them accordingly to their address.

Question.—Was it usual to retain office copies of such papers ?

Answer.—Yes, he used frequently to bring two copies of each paper, on one the seal used to be impressed, frequently so by the King's own hand, and this copy used to be returned to him for despatch, while the second copy unattested was retained for record in the Prisoner's office.

Question.—Do you know any thing about the paper No. 5 ?

Answer.—No, I do not recognize the writing.

Question.—Is it possible or likely that this may be an office copy in the handwriting of some newly employed clerk, whose hand you are unacquainted with ?

Answer.—Yes, I believe it to be the handwriting of some clerk in Muhammad Bakht Khan's Office.

The translations of the six papers arranged under the head of " Murder" are now read by the Judge Advocate, and entered as follows.

The papers in the original Persian are now read by the Interpreter.

Papers arranged under the head of " Murder."

PETITION of Ghulam Abbas, Duffadar 1st Troop 4th Regiment of Cavalry. Dated 29th July 1857.*

To

THE KING ! SHELTER OF THE WORLD !

RESPECTFULLY SHEWETH,—That your petitioner was a Duffadar in the 4th Regiment of Cavalry. Having disposed of the English at Muzafarnagar† he reached your

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* Duffadar, petty Officer in a troop of Cavalry.

† Just thus expressed in the original.

Royal presence on the 23rd June 1857. He is now serving with devotion in your Majesty's cause, and bears his share in the engagements. Your slave's ancestors have, from antiquity, been nourished by your Majesty's salt. Your slave therefore expects that, on the capture of the ridge occupied by the British, he will now, through your Majesty's favor and consideration, be elevated to some appointment of distinction, so that reaching his ambition, he may ever pray for your Majesty's prosperity. (Prayers for the prosperity of the reign.) Petition of the slave, of old nourished by your Majesty's salt, Ghulam Abbas, Duffadar of the 1st Troop 4th Regiment of Cavalry, come from Muzafarnagar. Seal of "Ghulam Abbas."

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will nominate the petitioner to some appointment, according to the usages of the Army.

No. 2.

ORDER FROM THE KING WITHOUT SIGNATURE, CYPHER, OR SEAL, EVIDENTLY AN OFFICE COPY RETAINED FOR RECORD.

Dated 7*th August* 1857.

To

THE EVER FAITHFUL, RAO BHARA, THE RULER OF KUTCH BHOJ.

Consider yourself receiving the Royal favor, and know! That Girdhari Singh, Subadar of the Grenadier Company of the 16th Regiment of the Bombay Native Infantry being introduced by the adviser of the State, the honored of the country, the special slave, Muhammad Bakht Khan, Governor General Bahadur, has come into the Royal presence and affirmed, that you, ever faithful one, having put the whole of the infidels to the sword, have thoroughly cleansed and purified your domains of their unclean presence. We have been extremely gratified to hear of such conduct on your part, and you are therefore honored with this address, to the intent, that you will institute such arrangements throughout your territory, as that none of the creatures of God may in any way be aggrieved or oppressed. Further, should any numbers of infidels reach your dominions by sea, you will have them slain. In doing this you will act entirely in accordance with our pleasure and wishes; and all such desires, as you will entertain, and all such requests, as you will make to our presence, will in every point be acceded to. Be assured of our kindness. One copy, and extract transcript. To the ever faithful Rawal Ranjit Singh, Ruler of Jasalmir. Dated 11th August 1857.

No. 3.

ORDER FROM THE KING, WITHOUT SIGNATURE, CYPHER OR SEAL, AN OFFICE COPY APPARENTLY RETAINED FOR RECORD.

Dated 11*th August* 1857.

To

THE EVER FAITHFUL, RANJIT SINGH, CHIEF OF JASALMIR.

Consider yourself receiving the Royal favor and know! That the Chief, Chamman Singh, brother of the Ruler of Jaipur, having obtained the honor of admittance to our august presence, through the adviser of the State, the honored of the country, the special slave, Muhammad Bakht Khan, Lord Governor General Bahadur, Director of all matters Military and Civil, has declared and affirmed that you, emblem of fidelity, cherish an anxious desire and wish to come to the Royal presence,* and only delay doing so, pending the issue of a special order: you are therefore honored with this address. It is clear to our belief that throughout your dominions, the name or trace of those ill-omened infidels, the English, must not have remained; if, however, by any chance or possibility some have escaped till now, by keeping hidden and concealed, first slay them, and after that, having made arrangements for the administration of your territory, present yourself at our Court, with your whole Military following. Considerations and friendliness a thousand fold will be bestowed on you slave, and you will be distinguished by elevation to dignities and place, which the compass of your qualifications will not have capacity to contain. Be assured of our kindness.

No. 4.

ORDER OF THE KING, WITHOUT SIGNATURE, CYPHER OR SEAL.

Dated 11*th August* 1857.

To

ALL HINDUS AND MAHOMEDANS WHO WISH THE ADVANCEMENT OF RELIGION.

Be it known to you! That Falak-ud-din Shah, being one of those who have pledged themselves to fight for the Mahomedan faith, in the religious war against the infidels, and being Director of Finance and the Army, is sent to collect Ghazis† as well as money for the expenses of the armies bestowed by God, which have come from all directions, and have assembled at the Royal threshold for the destruction of the Christians; and which have already sent thousands of the British Soldiery, and others of the English, to hell. It is incumbent on you to consider well your own advantage, and to forward to the Royal presence, such amounts of treasure, as he may determine, at the same time sending your accredited agent also. You will, moreover, give the above named Falak-ud-din Shah such aid, in Military forces, for arrangements on the way, and for the slaughter of Christians, as he may demand. Those who will join in the cause of the faith and of religion, will receive distinctions; and those who will confederate with the Christians, will be utterly despoiled of life and property.

List.

The Chief of Chhattauri to contribute 7 Guns and	Rs.	50,000
The Chief of the Town of Parrawae	„	10,000
The Chief of the Town of Dharmpur	„	5,000
The Chief of Dhanpur	„	5,000
The Chief of Pahansu	„	5,000
The Chief of Sadabad	„	5,000
The Chief of Dattowli	„	2,000
The Chief of Begampur	„	10,000
The Chief of Badoun	„	10,000
The Chief of the Town of Jairu	„	5,000
The Merchants of the City of Muttra	„	50,000
The Rajah of Ballabhgarh	„	1,00,000
The Chief, Ghulam Husein of Attrowli	„	20,000
The Rajah of Bhartpur	„	5,00,000
Total	„	12,45,000

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* In the original literally "to kiss the Royal feet."

† Men voluntarily pledging their lives to fight in defence of the Mahomedan Religion.

No. 5.

PETITION of Muhammad Bakht Ali formerly Jail Superintendent of the Jhansi District, now Officer Commanding the Ali-Ghol.

Dated 16th August 1857.

To

THE KING! DISPENSER OF BLESSINGS ON THE WORLD! SHELTER OF MANKIND, &c.

RESPECTFULLY SHEWETH,—That, in a former Petition, your Majesty was made acquainted with the acts of devotion and resolution, which your slave performed in the Jhansi, Orai, Calpee, Etawah, Mynpoory, and other Districts, as regards the slaughter and ruination of the accursed sect, the Nazarenes,* as also with the devotion your slave, and the soldiers accompanying him, have displayed from the date of their arrival in your Majesty's presence, the 16th July 1857, up to the present moment in the several attacks on and engagements with the Nazarenes; a list of these soldiers has been deposited in the archives of your Majesty's Government; your slave, therefore, expects that when complete victory shall have been gained, rewards similar to those which may be bestowed on the rest of the Army, will be conferred on your slave and his family, and on his equally devoted followers. Moreover, as at present, only 500 soldiers, designated the Ali-Ghol, who, with your slave, are ready to sacrifice their lives in your Majesty's service, are in attendance at the Royal door; if the Royal permission is granted, a complete Regiment will be raised. But as several bodies, all bearing the same title Ali-Ghol, have arrived from different places, such distinctive appellation as your Majesty may select for that under your slave, will be adopted, so that it may be generally known. Agreeably to your Majesty's commands, your slave is about proceeding to Malagarh, he therefore submits this petition, that orders may be issued. (Prayers for the prosperity of the reign.) Petition of the slave Muhammad Bakht Ali, Superintendent of the Jail, Jhansi District, at present Officer Commanding Ali-Ghol.† Countersigned " Muhammad Bakht Khan" agreeably to the request of the petitioner.

AUTOGRAPH ORDER BY THE KING, IN PENCIL (partially unintelligible.)

Bakht Ali's request is accepted, but as yet no one has been paid except from the receipts of some places. So long as all cannot be paid their regular allowances, no single individual will receive any thing.

Paper marked A. is now produced enclosed in its original envelope, on which is the Delhi Post Office Stamp, proving that it was posted at Delhi on the 25th of March 1857, and another stamp of the Agra Post Office proves that it was duly received there on the 27th of March 1857. The Judge Advocate explains that this important document was found among the papers of the late Mr. Colvin, Lieutenant-Governor at Agra. The translation is now read, and entered as follows:—

TRANSLATION of a Petition from Muhammad Darwesh, to His Honor the Lieutenant-Governor, North Western Provinces, dated 24th, posted at Delhi 25th, and received at the Agra Post Office, 27th March 1857.

Nourisher of the Poor! may your prosperity continue! Your Highness! The arrangements for the dispatch of letters from the King of Delhi to the King of Persia, through the Pir-zada Hasan Askari, have been stated in a former petition, and must have come to your knowledge. I, who am a mendicant of itinerant habits, have since learned, for a certainty, that two men with letters from the King of Delhi through the said Hasan Askari, proceeded about three or four months ago towards Constantinople in company with a Caravan going to Mecca. Hasan Askari has now assured the King of Delhi that he has certain information that the Prince Royal of Persia has fully taken possession of and occupied Bushire, and that he has entirely expelled the Christians or rather has not left one alive there, and has taken many of them prisoners, and that very soon indeed, the Persian Army will advance by the way of Candahar and Cabul towards Delhi. He told the King also that His Majesty was altogether too careless about corresponding with the King of Persia. The King then gave Hasan Askari 20 Gold Mohurs, and requested him speedily to despatch letters to Persia, and directed him to give the Gold Mohurs to the man who should take the letters, for the expenses of his journey. Hasan Askari accordingly took the money and returned to his house, and has prepared four men to carry the letters, making them assume the coloured garments of religious mendicants, and it is reported that they will leave for Persia in a day or two. The petitioner has not been able to ascertain their names. In the Palace, but more especially in the portion of it constituting the personal apartments of the King, the subject of conversation night and day, is the early arrival of the Persians. Hasan Askari has, moreover, impressed the King with the belief that he has learned, through a divine revelation, that the dominion of the King of Persia will, to a certainty, extend to Delhi, or rather over the whole of Hindustan, and that the splendour of the sovereignty of Delhi will again revive, as the sovereign of Persia will bestow the crown on the King. Throughout the palace, but particularly to the King, this belief has been the cause of great rejoicing, so much so that prayers are offered and vows are made, while at the same time Hasan Askari has entered upon the daily performance, at an hour and a half before sunset, of a course of propitiatory ceremonies to expedite the arrival of the Persians and the expulsion of the Christians. It has been arranged that every Thursday, several trays of victuals, wheat-meal, oil, money in copper coin, and cloth should be sent by the King in aid of these ceremonies, and they are accordingly brought to Hasan Askari. Some of the higher functionaries of the Government, drawn into a faith in this man by his frauds and deceptions, are in the habit of visiting his house, and consider his words and actions entitled to the greatest reliance. Where would be the use in my naming these traitors? May the Almighty God confound the enemies of the Government! Your petitioner keeps learning these matters from certain of his friends who have admittance to the presence of this King of Delhi, and who are moreover in the habit of visiting Hasan Askari also. Actuated by good will, I have communicated the above particulars. It rests in the province of the ever-enduring Government to make necessary and effectual arrangements. Petition of the well-wisher Muhammad Darwesh. Dated 24th March 1857. Seal of "Fakir Muhammad Darwesh."

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* Nasara, Christians.

† Ali Ghol—Ali's hosts. A term first applied to the armies of Ali, the son-in-law of Muhammad, to denote their overwhelming numbers; and subsequently used by the Mahomedan invaders in distinction of their Mahomedan forces from the "Sippeh Hindi" (corrupted into Seebundee) or Native mercenary troops raised by them in India.

WITNESS EXAMINED BY JUDGE ADVOCATE.

Question.—Did you know a man at Delhi of the name of Muhammad Hasan Askari, a Priest by descent?

Answer.—Yes I did; he lived near the Delhi Gate, and used to visit the King very frequently.

Question.—How long ago is it since you saw him?

Answer.—I saw him last some twenty days before the English Troops re-took Delhi.

Question.—Do you know where he went to, or what became of him?

Answer.—No, I do not.

Question.—At what time were his visits so frequent to the King, and do you know about what time he was first introduced to the King's presence ?

Answer.—He was first introduced about four years ago. A daughter of the King became a disciple of his, and she spoke so highly of his sanctity that the King employed him during his illness to pray for him, and send him charms to effect his recovery, and within the last two or three years his visits to the King became very frequent. This daughter used to live at the Delhi Gate in a house adjoining Hasan Askari, and it was commonly reported that she was also his mistress.

Question.—Did this man Hasan Askari pretend to possess miraculous powers, or to be able to foretell future events ?

Answer.—He used to interpret dreams, and also foretell coming events, and professed to be inspired.

Question.—Do you know whether he ever predicted any thing relative to the war which was then being waged between the English and the King of Persia ?

Answer.—Not while the war between the British and Persians was going on ; but two years ago he got 400 Rupees from the prisoner, which were given to a man who it was said was going to Mecca ; but it afterwards transpired that he had not gone on the Mecca pilgrimage, but had proceeded to the King of Persia. The man's name was Sidi Kambar ; he was an Abyssinian, and I suppose came from Abyssinia.

Question.—Do you know why it was given out that this man was going to Mecca, when his real destination was to the King of Persia ?

Answer.—I cannot account for the deception. I was told by one of the Court spies, by Jattu or Jat Mall, that Hasan Askari had sent this man to Persia instead of Mecca, and on making enquiries from some of the Court servants, I found this information was correct.

Question.—Did you ever hear of what was the object of this man's mission to Persia ?

Answer.—No ; but I heard from Kuli Khan and Basant, two of the King's body servants, that Hasan Askari had given Sidi Kambar some papers at night time, attested with the King's seal, and sent him off to Persia.

Question.—Was the war between the Persians and British frequently the subject of conversation at the Delhi Palace, and did the King appear much interested in the issue of it ?

Answer.—No, it was not particularly the subject of conversation : the Native newspapers coming into the palace used to contain particulars of its progress, and the King never seemed to me to evince any marked interest either one way or the other.

Question.—Did this war, among the Mussulman population of Delhi generally, excite much interest, and was it looked upon as a religious war ?

Answer.—No, the Mussulmans of Delhi are Sunnis, and those of Persia are Shiahs ; the former did not consequently take much interest in the war.

Question.—Are you aware whether in March last, *viz.*, about ten months ago, the King gave Hasan Askari 20 Gold Mohurs for any particular purpose ?

Answer.—He used to give him money ; but I don't know on what account, or on what particular occasion.

Question.—Have you ever heard of any men being sent from here to Constantinople in company with a Caravan going to Mecca ?

Answer.—No, I never heard of any men being sent to Constantinople on any occasion.

Question.—Do you know any one at Delhi under the title of Muhammad Darwesh ?

Answer.—No, I do not.

Question.—Was there any document purporting to bear the seal of the King of Persia pasted up on the Jama Masjid or other part of the City of Delhi a few months prior to the outbreak?

Answer.—Yes, a few months before the outbreak, I heard that a paper purporting to be a proclamation from the King of Persia, was pasted at the Jama Masjid.

Question.—Did you ever hear how the paper came there?

Answer.—No, but I heard the contents were such as would have been written by the sect of Mahomedans called Shiahs.

Question.—Was it generally supposed that the document was a genuine one?

Answer.—People were not certain about its authenticity; they generally seemed to doubt it.

Question.—What was the purport of the document?

Answer.—I heard that it exhorted all classes of Mahommedans to set aside their sectarian differences, and to combine as one body of Mahommedans at the present time, and be ready to fight under the same banner, should there be any cause for so doing.

Question.—Did not this document create a great discussion and sensation in the City?

Answer.—No, not to any very great extent.

Question.—Did you hear this document talked of in the Palace, or by the Prisoner?

Answer.—The Prisoner never spoke of it before me; but I heard it alluded to by a few other persons in the Palace.

Question.—Did the annexation of Oudh by the Company cause much feeling of dissatisfaction among the Mussulman population of Delhi?

Answer.—No, it caused no dissatisfaction whatever: on the contrary, the Mussulmans of Delhi were very much pleased with it, as the people of Lukhnow being Shiahs, had killed Moulavee Amir Ali, who was a Syad and a Sunni.

Question.—Were any other notices or warnings pasted up on the Jama Masjid a short time before the outbreak, intimating dissatisfaction on the part of the Mussulmans?

Answer.—I don't recollect any.

Question.—Did the Native Newspapers at Delhi, any time before the rebellion, urge the necessity or propriety of a religious war against the English?

Answer.—No, they never did: had such been done, the Government Officer would have noticed it.

The Prisoner declines to cross-examine.

Paper marked A. is now read in the original Persian by the Interpreter.

The Court at 4 P. M. adjourns till 11 A. M. to-morrow.

SEVENTH DAY'S PROCEEDINGS.

WEDNESDAY, FEBRUARY 3RD 1858.

The Court re-assembled this morning at 11 A. M., in the Hall of Special Audience, in the Palace at Delhi, pursuant to adjournment of yesterday.

The President, Members, Interpreter and Deputy Judge Advocate General are all present.

The Prisoner is brought into Court attended by his assistant Ghulam Abbas.

Ahsan Ulla Khan, Physician, is re-called into Court, and is examined on his former affirmation.

EXAMINED BY JUDGE ADVOCATE.

Question.—You have heard the petition of Muhammad Darwesh read. Do you know any thing of the trays of food, wheat-meal, oil, money in copper coin and cloth said to have been sent by the King in aid of the ceremonies performed by Hasan Askari ?

Answer.—Yes, all these things were usually sent ; but I do not know that they were sent for the special purpose mentioned in the petition.

Question.—You have mentioned that Jat Mall was one of the Court spies, did the King pay him for news given ?

Answer.—No, he was not a servant of the King ; he was news-writer on the part of the British Government.

Question.—How was it then that you came to get secret information from him, and how, being known as Government news-writer, was it that this man was entrusted with such a secret ?

Answer.—Jat Mall used to go about the palace collecting all sorts of news, and having heard the matter, asked me what I knew of it, at which time I was quite ignorant of the subject, and it was only subsequently that I heard it confirmed.

The witness withdraws.

Jat Mall, formerly news-writer to the Lieutenant-Governor at Agra, is called into Court, and duly affirmed.

EXAMINED BY JUDGE ADVOCATE.

Question.—Did you know a man of the name of Hasan Askari here ?

Answer.—Yes, I did.

Question.—Was he frequently in attendance on the Prisoner ?

Answer.—Yes.

Question.—Relate what you know of his transactions with the King ?

Answer.—He used to come and repeat incantations over the King, and after praying, breathe on him : he used also to profess to be possessed of miraculous gifts from heaven, the gift of prophecy, the power of interpreting dreams, *i. e.,—(The Prisoner here voluntarily declares his belief that Hasan Askari did really possess the powers here attributed to him),*—Hasan Askari used to declare that he was frequently audibly addressed from heaven ; he used to come daily to the Prisoner at various hours just as he was sent for, and frequently used to come uninvited—especially in the evening, when he would have secret audiences with the King.

Question.—Did you ever hear any particular dream which this man Hasan Askari interpreted to the King ?

Answer.—Yes, about the time that the Persian forces came to Herat, I heard that Hasan Askari communicated one of his own dreams to the King to the effect that he had seen a hurricane approaching from the West, which was followed by a great flood of water devastating the country : that it passed over, and that he noticed that the King suffered no inconvenience from it, but was borne up over the flood seated on his couch. The way in which Hasan Askari interpreted this dream was that the King of Persia with his army would annihilate the British power in the East, would restore the King to his ancient throne and reinstate him in his kingdom, and at the same time the infidels, meaning the British, would be all slaughtered.

Question.—Do you know whether, through the means of this man Hasan Askari letters were sent to the King of Persia or communications kept up with him ?

Answer.—Yes, I do know that letters used to be sent. About a year and a half or two years ago, a kafilah was going to Mecca. A man of the name of Sidi Kambar, who was chief of the Abyssinians in the Palace, asked permission to accompany it as a pilgrim. This was granted, and according to the custom on such occasions, he was given a year's pay in advance, and it was said at the time that according to a usage common to the Mahomedans, the Prisoner had sent a petition, addressed to God, to be posted up on his account on the walls of the shrine at Mecca. After some eight or nine days, I heard that Sidi Kambar's going to Mecca was only a pretence, and that in reality he had started direct for Persia with letters from the King of Delhi to the King of Persia. I heard this from Khwaja Baksh, a messenger of the King's, and from one of the Prisoner's armed personal attendants whose name I do not recollect. I acquainted Captain Douglas with this matter at the time, who said it was a very serious business, and directed me to make every possible enquiry about it, because such correspondence on the part of the King of Delhi with the King of Persia was interdicted. I accordingly asked Ahsan Ulla Khan, the physician, the particulars, as he was fully entrusted with the direction of all private matters that required to be written. Ahsan Ulla Khan denied having any information on this subject, and declared that if anything of the kind had happened, it was without his knowledge. I communicated this to Captain Douglas, and still continued my enquiries, and some twenty days afterwards I learned, I forget now from whom, that Haidar Husein, Commandant of the Prisoner's Artillery, and Hasan Askari, had some letters written, and having them authenticated, in some way, had them despatched to Persia by Sidi Kambar. I communicated this to Captain Douglas, and explained to him that as it was known that the circumstance had reached his ears, the people about the Prisoner were on their guard in speaking of it, and that therefore I could elicit nothing further. I also suggested to Captain Douglas that arrangements might be made for intercepting Sidi Kambar beyond Lahore. He, however, replied that there could be no certainty as to which route he had taken, and said it would be useless to take any steps about it.

Question.—Was the subject of the war with Persia much talked of by the King and those about the Palace?

Answer.—Yes, it was a frequent subject of conversation both in the palace and in the City.

Question.—Do you know whether it was talked of and referred to in the light of a religious war or one through which the Mahomedans of this City were to be restored to power?

Answer.—Yes, that was the general impression throughout the country, but some who were better informed knew and used to say, that the King of Persia was not by any means able to cope with the English.

Question.—Do you know whether any communications were ever attempted or made from the Prisoner or others in his confidence to the Native Officers or Sepoys of the Company's Army?

Answer.—No, I never heard of any communication originating with the Prisoner or his confidential Agents, except in one instance about 3½ years ago, when some ten or twelve Mahomedans on one occasion, and four or five on another, came to the Prisoner, offering to become his disciples, a request which the Prisoner complied with. This had not gone far when the late Sir Theophilus Metcalfe heard of it, and immediately took measures to check the practice.

Question.—Was the annexation of Oudh by the Company much discussed by the King or the inmates of the Palace, and if so, what was the light in which they viewed it?

Answer.—No, I only heard the annexation spoken of twice,—once when the Troops were going down towards Cawnpore, on which occasion the Prisoner asked Mr. Fraser and Captain Douglas if Oudh was to be annexed. They both stated that they had no information on the point; but about a month after it was reported generally that the annexation had taken place.

Question.—Did Hasan Askari ever predict any thing as to the King's length of life, or his future success against the English?

Answer.—Yes, he told the King that he had assigned twenty years of his own life to prolong that of the King, but I never heard that he predicted such success against the English beyond what I have mentioned as the interpretation of his dream.

Question.—Did you ever hear any thing talked of in the Palace about the centenary of the battle of Plassey, or was there any prophecy that the English rule would terminate at the end of 100 years from its commencement?

Answer.—No, I never heard of it.

Question.—Were you aware that the Regiments of the East India Company at Delhi were in any way dissatisfied before they broke out into mutiny?

Answer.—There was an evident feeling of disaffection among them from the little I could observe myself passing in and out of the Palace. Some twenty or twenty-five days before the out-break, the Sepoys used to talk among themselves about the burning of the houses at Ambala, coupling the circumstance with the greased cartridges, and avowing their determination not to use them.

Question.— Was this subject, *viz.*, the disaffection of the Sepoys, discussed in the Palace?

Answer.—Yes, the burning of the houses, and the general disaffection of the Troops, on account of the greased cartridges, used to be commonly spoken of in the Palace; but I never heard it referred to by or before the King. I heard a few days before the out-break from some of the Sepoys of the Gate of the Palace, that it had been arranged in case greased cartridges were pressed upon them, that the Meerut Troops were to come here, where they would be joined by the Delhi Troops, and it was said that this compact had been arranged through some Native Officers, who went over on Court Martial duty to Meerut.

Question.— Did you mention or report this to any one?

Answer.—No, it was a Military matter, and I did not like to speak about it; my reports were all confined to subjects immediately connected with the King.

Question.—Were you here when the mutinous Troops came from Meerut?

Answer.—I was at my own house in Delhi when I heard that some of the Cavalry from Meerut had killed the Toll Collector at the Salimpur Bridge, and burnt the Toll-house. I, however, did not credit the report, and went on writing my news-letter. Having completed it, I came to the Palace, and I then learned that Captain Douglas, Mr. Fraser, Mr. Hutchinson the Magistrate, and Mr. Nixon, the Head Clerk of the Commissioner's Office, had gone in the direction of the Calcutta Gate, to make arrangements against the Mutineers. I consequently followed them, and there saw that they had the Calcutta Gate, *viz.*, the one nearest to the Bridge of Boats, closed. While occupied there, some one happened to report that the Mutineers had entered the City by the Zinat ul Masjid Gate, and were then in Daryá Ganj, and had already fired the Staging Bungalow, and certainly the smoke was then visible. This was about 8 o'Clock in the morning, and just afterwards I saw three of the Company's Cavalry coming from the direction of Daryá Ganj, pursuing at a gallop some European gentleman, at whom one of them fired his pistol as they came up, but missed his aim. This gentleman rode on in the direction of the Magazine and escaped. Just then Mr. Fraser took a musket from one of the Constabulary Guard at the Gate, and shot one of the Troopers; the other Troopers then shot the horse of the man who had been killed, and Mr. Fraser then got into his buggy, accompanied by Captain Douglas and Mr. Hutchinson, both on foot, proceeded in the direction of the Palace. Mr. Hutchinson had by this time been wounded in the right arm just above the elbow, by a pistol shot from one of the Troopers, and while Mr. Fraser was proceeding to the Palace some more Troopers had arrived, and one of these coming up behind fired his pistol, but missed Mr. Fraser. At this time Bakhtawar, who was an Orderly Chaprassy of Captain Douglas, was seated behind the buggy of Mr. Fraser. Captain Douglas, seeing that he was surrounded by these Troopers, jumped into the Fort ditch, and in doing so fell upon some loose stones and was much hurt in consequence. The Troopers by this time began to disperse in pursuit of the Europeans in all directions, so getting an opportunity, Bakhtawar and other Native Government servants took Captain Douglas out of the Fort ditch in a state of insensibility, and carried him to his apartments over the Palace Gate. When he recovered his speech and senses a little, he issued instructions to people about him to bring in Mr. Hutchinson, who had also been wounded, which was done. Mr. Fraser, who was walking in the covered way below adjoining the Lahore Gate of the Palace, accompanied by some gentlemen who had only that morning arrived from Calcutta, directed Pran Messenger to go and procure two cannons from the King. Pran had just left on this errand, and Mr. Fraser had just come under the centre opening of the covered way, when by this time a great crowd of men and boys of all ages having collected, began clapping their hands as a kind of insolent bravado at what was occurring. Mr. Fraser, seeing such marked feelings of hostility, began to return to Captain Douglas' quarters, and as he reached the foot of the stairs, Haji lapidary raised his sword to make a cut at him. Mr. Fraser, who had a sheathed sword in his hand, turned sharply round, and thrust at him, with the sword in its sheath, saying to the Havildar of the Gate Guard, "What kind of behaviour is this?" Upon which the Havildar made a show of driving off the crowd; but no sooner was Mr. Fraser's back turned, than the Havildar nodded with his head to the lapidary, to signify to him that now he should renew his attack. The lapidary, thus encouraged, rushed upon Mr. Fraser, and inflicted a deep and mortal wound on the right side of his neck. Mr. Fraser at once fell, when three other men of the names of Khalak Dad, a Cabuli Pathan, Moghal Beg or Moghal Jan, and Shekh Din Muhammad, who had been concealed in an out-house adjoining, rushed out and cut him with their swords, over the head, face and chest till he was quite dead. Shekh Din Muhammad was an armed orderly in the King's pay, and Khalak Dad and Moghal Beg were also armed retainers of Mahbub Ali Khan the King's Prime Minister. These three men, after having despatched Mr. Fraser, followed by a crowd of others, ran upstairs to Captain Douglas' apartments over the Palace Gate. After they had arrived at the second landing place, a servant of Government in attendance on Captain Douglas, by name Makhan, told him of the circumstance, and was ordered to close the staircase. While this was being done on the North side of the apartment numbers of the crowd rushed in by a corresponding staircase on the Southern side, and came down and forced open the door which Makhan had closed, and thus gave admission to the armed crowd, headed by the three men already mentioned as having cut Mr. Fraser when he had fallen. These people successively murdered Captain Douglas, Mr. Hutchinson the Collector, the Reverend Mr. Jennings, Miss Jennings and Miss Clifford, all of whom were in Captain Douglas' apartments. The stranger who had arrived that morning from Calcutta contrived to get out on the ramparts of the Palace wall, and had gone unobserved as far as Mirza Kochak's house near the Delhi Gate of the Palace, when he was fired at by somebody, and wounded in the shoulder. On this he retraced his steps, and was eventually cut down at the foot of the Southern staircase leading to Captain Douglas' apartments. All these murders were committed in about quarter of an hour.

The details, as given here, I collected from Makhan, Bakhtawar, Pran, and Kishan, servants of the Government in attendance at the time on Captain Douglas; but of the circumstances up to the death of Mr. Fraser, I was myself an eye-witness.

It being 4 P. M. the Court adjourns till Friday, the 5th Instant, at 11 A. M.

EIGHTH DAY'S PROCEEDINGS.

FRIDAY, FEBRUARY 5TH 1858.

The Court re-assembled this morning in the Hall of Special Audience in the Palace at Delhi, pursuant to adjournment of Wednesday.

The President, Members, Interpreter, and Deputy Judge Advocate General are all present.

The Prisoner, attended by his Counsel, is brought into Court.

The Witness Jat Mall is re-called into Court, and reminded of his former affirmation.

EXAMINATION BY JUDGE ADVOCATE.—*(Continued.)*

Question.—After the Europeans in Captain Douglas' apartments had been murdered, what did the populace or soldiery proceed to do?

Answer.—Immediately after the murder of the Europeans, I went to my home in the City, and did not come to the Palace again for several days.

Question.—When did the King assume the reins of Government? and was a Royal Salute fired on the occasion?

Answer.—He began to take possession of the Government stores, *viz.*, the Gunpowder outside the City, and all the Ordnance, Arms, &c., in the Magazine on the second or third day after the arrival of the Meerut Troops, and in a week or so, began generally to issue Royal orders to the different Departments, and to receive petitions on Government business. A salute of 21 Guns was certainly fired during the night of the 11th of May; but I am not certain what was the occasion of it. Some said it was the salute to the Colours of the Regiments come from Meerut, and some said that the Prisoner had gone into Salimgarh, and the Guns had been fired as a Salute to him.

Question.—When was Mirza Moghal appointed Commander-in-Chief?

Answer.—He was virtually Commander-in-Chief from seven or eight days after the outbreak, in as much as the Native Officers used to go to consult and confer with him, and receive their orders from him; but it was not till a month had elapsed, that he was publicly proclaimed and received his dress of honor. On the same occasion the other sons of the King, and grand-sons of the King were severally made Generals and Colonels, each receiving their dress of honor.

Question.—What part did Hasan Askari act during the time of the rebellion; was he one of the King's chief counsellors?

Answer.—He continued in the same position with reference to the King as formerly, and did not appear to take any such active part in the rebellion as to be particularly remarkable. A daughter of the Prisoner was avowedly a disciple of Hasan Askari; but people generally said that there was an improper intimacy between them.

Question.—Do you know whether any ladders were taken from the Palace for the purpose of scaling the Magazine?

Answer.—I heard that scaling ladders were used at the Magazine; but I don't know where they were brought from.

Question.—Did you ever hear of the circulation of Chapaties about the country some months before the outbreak; and if so, what was supposed to be the meaning of this?

Answer.—Yes, I did hear of the circumstance. Some people said, that it was a propitiatory observance to avert some impending calamity; others that they were circulated by the Government to signify that the population throughout the country would be compelled to use the same food as the Christians, and thus be deprived of their religion; while others again said, that the Chapaties were circulated to make it known that Government was determined to force Christianity on the country by interfering with their food, and intimation of it was thus given, that they might be prepared to resist the attempt.

Question.—Is sending such articles about the country a custom among the Hindus or Mussulmans; and would the meaning be at once understood without any accompanying explanation?

Answer.—No, it is not by any means a custom; I am 50 years old, and never heard of such a thing before.

Question.—Did you ever hear that any message was sent with the Chapaties?

Answer.—No, I never heard of any.

Question.—Were these Chapaties chiefly circulated by Mahomedans or Hindus?

Answer.—They were circulated indiscriminately, without reference to either religion, among the peasantry of the country.

Question.—When did you first return to the Palace after the 11th of May?

Answer.—I had heard a report in the city that the Europeans were to be slaughtered, I don't know the exact date, but it was some seven or eight days after the outbreak; and I got into the Palace among the crowd. This was about 8 o'Clock in the morning On my reaching the first court-yard of the Palace, I saw the Europeans seated in a row, with their hands tied behind their backs along the edge of the square reservoir, and also along the small canal leading to it; there were men, women and children. Shortly after I arrived, one of the Meerut Cavalry Mutineers fired a pistol at them He was standing at the same distance on horseback. The shot missed the Europeans and hit one of the King's sepoys, who was standing some way off behind them. This man died in consequence, and owing to this accident, the crowd decided on killing the Europeans with swords. The King's retainers as well as some of the Mutineers drew their swords to carry out this resolve; but I had not nerve to stay and witness the execution, so went home, and subsequently heard that they had all been slaughtered by the King's servants and the mutinous soldiery.

Question.—Were any guns fired as a token of joy on the occasion?

Answer.—No, I heard none.

Question.—Did the Prisoner give his consent to the murder of these Europeans?

Answer.—On the first day of the soldiery making a request that the Europeans should be executed, the King refused his sanction; but it was said that on the day following, Basant Ali Khan, a personal attendant of the King, and a man notorious for his savage disposition, went among the soldiers and instigated them to insist on the murder of the Europeans. They did so, and the King ordered the Europeans to be given up to them; at least this is what I subsequently heard at my own house. On the morning of the massacre, Basant Ali Khan is stated to have stood in the court-yard of the Hall of Special Audience, and to have called out loudly, that the King had sanctioned the slaughter of the Europeans, and that the personal armed retainers of the Prisoner were directed to go and assist in carrying it into effect.

Question.—In your opinion, could the King, had he been anxious to do so, have saved the Europeans, especially the women and children?

Answer.—I heard in the city that the King did wish to save the Europeans, particularly the women and children, but that he was overruled by the violence of the soldiery, and had not the firmness to oppose them.

Question.—Was there not ample room for the women and children in the apartments occupied by the females of the King's Establishments, and would not the European women and children have been safe there ?

Answer.—Certainly there was abundance of room, 500 people might have been concealed, and been safe there ; there are also several secret recesses and crypts, which, had the rebels even dared to violate the sanctity of the women's apartments, would have escaped all search.

Question.—Were you present in Delhi during the whole siege by the British?

Answer.—I continued in Delhi for three months and a quarter after the outbreak, when the King's people began to search for servants of the British Government on suspicion of sending intelligence to the English. I then made my escape from the city, and did not return till some time after the city had been re-taken.

Question.—Are you aware whether any other Europeans were murdered after the massacre of those in the Palace ?

Answer.—No, I don't know that there were any left to be murdered; but before the massacre above described, I heard that some 38 or 40 had defended themselves in some underground recess, and being starved out, were killed about two or three days after the outbreak.

Question.—Did you ever hear the Sepoys allege any other ground of complaint besides that of the greased cartridges ?

Answer.—No, I never did.

Question.—How did the Sepoys generally speak of the Company's Government during the siege ?

Answer.—The soldiery generally talked of the Government with bitter complaints of the attempt on their caste and religion, and always avowed their intention to kill Europeans whenever they met them. Those, however, who were wounded, contrasted the neglect with which they were treated in Delhi, with the care they would have experienced under similar circumstances, had they been fighting for the English.

Question.—Do you think there was any difference between the Mahomedans and Hindus in regard to their feelings for or against the English Government ?

Answer.—Yes certainly ; the Mahomedans as a body were well pleased at the overthrow of the British Government, while the merchants and respectable tradesmen among the Hindus regretted it.

Question.—Was there no difference of feeling on this point among the Mahomedan and Hindu soldiery ; were both equally bitter against the English Government ?

Answer.—The general feeling throughout the Army was the same, both among the Hindus and Mahomedans.

Question.—Do you think the arrival of the soldiery from Meerut, was expected in the Palace ?

Answer.—Yes they were expected. Letters came in from Meerut on Sunday, bringing intelligence that 82 soldiers had been imprisoned, and that a serious disturbance was to take place in consequence. Owing to this the guards at the gate of the Palace made no secret of their intentions, but spoke openly of what they expected to occur, which was that some of the troops after mutinying at Meerut, would come over to Delhi.

Question.—Have you any means of knowing whether this was communicated or made known to the Prisoner at this time ?

Answer.—No, I have not.

Question.—Can you judge from any circumstances that occurred either at the time or afterwards, that the Prisoner had any foreknowledge of the coming of the troops from Meerut ?

Answer.—Nothing came under my observation either before or afterwards from which I could draw such a conclusion.

CROSS-EXAMINED BY PRISONER.

Question.—You stated in your evidence the day before yesterday, that a gentleman who tried to make his escape in the direction of Mirza Kochak's house, was wounded by a shot there, do you know whether Mirza Kochak was in his house at the time ?

Answer.—No, I can't speak to particulars of this kind.

Question.—Do you know whether the people who murdered Mr. Fraser were encouraged to do so by me, or were they instigated to the act by the Army ?

Answer.—As far as I know the King had not had time to hear of the murder before it was committed ; the rioters were sufficiently disposed to murder, and being encouraged by the Army perpetrated it at once.

Question.—Did you hear that I expressed a wish to have the corpses of the murdered Europeans removed, and that the soldiery would not allow me ?

Answer.—No, I have no knowledge on the subject.

Question.—Do you know whether I gave the order to my armed retainers to assist in slaying the Europeans, or did Basant Ali Khan falsely give out that I had done so ?

Answer.—I can't say.

EXAMINED BY COURT.

Question.—At the time you saw the Europeans bound before being slaughtered, did you observe that any of the King's confidential servants or officers were present ?

Answer.—No, I saw none of these in the court-yard ; but Mirza Moghal, one of the King's sons, was standing on the roof of his house overlooking the court-yard, and at the same time other sons and two grandsons of the King were standing on their houses, apparently for the purpose of witnessing the massacre.

Question.—Did you observe that any of these made any attempt to save the women and children from being murdered, or otherwise ?

Answer.—No, they appeared to be spectators. It had been determined that the massacre was to take place, and there was no necessity for their urging the execution of it.

The Witness withdraws.

Captain Forrest, Assistant Commissary of Ordnance, is called into Court and duly sworn.

EXAMINED BY JUDGE ADVOCATE.

Question.—Were you in Delhi on the 11th of last May ?

Answer.—I was.

Question.—Did you on that occasion see any of the mutinous soldiery from Meerut ?

Answer.—I did. I first saw them, *viz.*, some Cavalry in front, (nearly a Regiment,) followed by the 11th and 20th Regiments of Native Infantry crossing the Bridge on the road from Meerut. They were coming up in military formation, I would say in subdivisions of companies with fixed bayonets and sloped arms, at about 9 o'Clock. I did not see any of them previous to this ; but I was informed that a small portion of the Cavalry had arrived on the Delhi side of the Bridge much earlier, *viz.*, about 7 o'Clock. I was in the Magazine at the time I saw the troops passing over the Bridge, having gone there a short time before in consequence of a communication which Sir Theophilus

Metcalfe made to me, to the effect that the Mutineers were expected in from Meerut, and he wished me to get two guns out of the Magazine, so as to place them in position, to sweep the Bridge and prevent the Mutineers from crossing; but there were no cattle to draw out the guns, neither were there any Artillerymen to man them, so Lieutenant Willoughby concurred with me in thinking the best plan would be to close the Magazine gates, and defend the place as long as we could; and we thought that if we could hold the Magazine till the evening, the European Troops would be certain to arrive from Meerut and relieve us. Between the hours of 9 and 10, a Subadar of the 38th Native Infantry, who was Commanding the Magazine Guard outside, informed me through an aperture, that the King of Delhi had sent a guard to take possession of the Magazine, and to bring all the Europeans there up to his Palace, and that if they did not consent to this, none of them were to be allowed to leave the Magazine. I did not see the guard at this time; but I saw the man who had brought this message. He was a well dressed Mussulman. We told the Subadar of the Guard that he was to pay no attention to any orders he might receive from any one, unless it was Lieutenant Willoughby or myself; but we held no communication with, nor did we deign any answer to the man who had brought the above message. Shortly after the above, a Native Officer in the King's service arrived with a strong guard of the King's own soldiers in their uniform, and told the above-mentioned Subadar and the non-Commissioned Officers, that he was sent down by the King to relieve them of duty. The same orders were given to the Subadar by myself to pay no attention to such authority. At this time the Native Officer who had come down with a strong Detachment of the King's Soldiers, placed guards of about 12 men under a non-Commissioned Officer over each gate of the Magazine. These men took up their posts in regular military style, posted their arms, received their orders and behaved altogether like regular soldiers. They were all in the full uniform of the King. This was some time between 10 and 11 in the morning, about an hour after which the door-keeper on the outside of the gate called out that he wished to speak either to Lieutenant Willoughby or myself. We both approached the gate together, when the man and sentry at the gate both informed us that the King of Delhi had sent people to carry away the whole of the Government stores there on the outside of the gate, and that they were unable to prevent them. To this neither Lieutenant Willoughby or myself gave any answer; but on looking through the gate we could distinctly see the stores being removed. The men who were employed in this work were common laborers, superintended and controlled by a guard of the King's soldiers in their own regular uniform. Shortly after this, the Subadar of our guard again expressed a wish to see either Lieutenant Willoughby or myself; we accordingly went to him. He told us that a messenger had come from the King to say that if we didn't immediately open the gates, that he would have scaling ladders sent down to scale the walls, and these ladders shortly afterwards arrived, and were placed against the south-eastern turret or corner of the Magazine. The Native Establishments of the Magazine observing this immediately ascended by a sloped shed on the inside of the wall, gained the ladders, and made their escape out of the Magazine. This being done, the mutineers without delay ascended the ladders, and commenced attacking us inside the Magazine, which they continued to do till ½ past 3 in the evening. As they ascended the ladder, they gained admission into the small turret, and as soon as a sufficient number was collected, and were about descending into the Magazine, we opened on them with grape from four field pieces, using two at a time, and keeping two loaded in reserve. There was only Mr. Buckley and myself to man these guns. Two guns, however, were placed at the other gate of the Magazine double charged, under Sub-conductor

Crow and Serjeant Edwards: they remained with lighted matches in their hands, with orders from Lieutenant Willoughby not to fire till the gate was forced. Both these men were killed in the Magazine. Another gun was placed on the river face under charge of Conductor Shaw who escaped to the main-guard at the Cashmere Gate, after the Magazine was exploded, and was there shot by a sepoy of the 54th N. I. Lieutenants Willoughby and Raynor were active, going from post to post, giving such orders as were required, superintending the defence, and also personally assisting in it. During the time this was going on, Lieutenant Willoughby and myself frequently went to the gate which was close by, and asked who was leading or commanding the attack, and the same answer was given us on every occasion, *viz.*, a son and a grandson of the King's were present organizing the attack on us; but the men who ascended the scaling ladders and entered the Magazine were all sepoys of the 11th and 20th Regiments N. I. Another message about 1 o'Clock came in the King's name to say, that if we did not surrender, he would mine and blow up a part of the wall, which was known to be weak, and so effect an entrance.

It being 4 o'Clock, the Court adjourns till 11 A. M. to-morrow.

NINTH DAY'S PROCEEDINGS.

SATURDAY, FEBRUARY 6TH 1858.

The Court re-assembled this day in the Hall of Special Audience in the Palace at Delhi.

The President, Members, Interpreter and Deputy Judge Advocate General are all present.

The Prisoner, attended by his attorney, Ghulam Abbas, is brought into Court.

Captain Forrest, Assistant Commissary of Ordnance, is recalled and reminded of his former oath.

EXAMINATION BY JUDGE ADVOCATE—*(Continued.)*

Question.—You have narrated what occurred at the Magazine up to ½ past 3 o'Clock. What ensued after that?

Answer.—About that time we had expended the last rounds of ammunition for the field pieces, and the Magazine having been entered in two places, further defence was impossible. Conductor Buckley had been shot in the arm, and I had been hit twice on the hand. Lieutenant Willoughby, who commanded in the Magazine, had, early in the morning, had arrangements made, to enable us to blow up the Magazine, should circumstances render such an extreme measure necessary, and now at ½ past 3 P. M., seeing the moment had arrived to do so, he ordered the preconcerted signal to be made, which was done by Mr. Conductor Buckley turning to where Conductor Scully was standing, and lifting his hat. Conductor Scully, seeing this, at once fired the Train, and the Magazine was blown up that same second with a fearful explosion, killing hundreds of the natives about. Fragments of the building were said to have been thrown half a mile and upwards, and several European women and children who had fled to the Magazine were killed and severely injured. Conductor Scully was himself so dreadfully wounded that his final escape was impossible. I saw him after the explosion, but his face and head were so burned and contused, that I don't think life could have long remained in him. I have only to add to this that not one man of the Native Establishments in the Magazine, (the Bengalee writer excepted), remained true to us. They all took the first opportunity of escaping with the arms given to them for the purpose of aiding us in the defence of the Magazine. Lieutenant Willoughby and myself escaped to the main guard at the Cashmere Gate. Lieutenant

Raynor and Mr. Buckley escaped in another direction, and finally reached Meerut; all the remainder were killed, either by the explosion or after quitting the Magazine. Lieutenant Willoughby was killed two or three days afterwards, on the road to Meerut.

Question.—Did the ladder brought to scale the Magazine appear to be new, or made purposely for that object?

Answer.—I could only see a foot of the ladder that reached above the walls, so am unable to answer these points.

Question.—Was there any thing unusual in the dress or conduct of any of your Native Establishment at the Magazine before the out-break, from which it may be inferred that they were cognizant of what was going to occur?

Answer.—I noticed nothing in the dress of the men; but their behaviour for several days previous to the outbreak was insolent and overbearing, especially that of those who were Mahomedans. Mr. Buckley and I had both remarked this, and spoken to each other about it. On the morning of the 11th May, when I went to the Magazine I remarked that the Sirdars and Durwans were well dressed, better than I had ever seen them before; also the Magazine men did not appear in their usual working dress, but were much cleaner. This I remarked at the time to Lieutenant Willoughby, who coincided with me, and said the circumstance had struck him also.

Question.—Have you any reason to suppose that any of your Native Establishment at the Magazine had been in correspondence on the subject of the cartridges with the Sepoys of the Army?

Answer.—I had no suspicion of such a circumstance while I was at Delhi; but on reaching Meerut, and going into Hospital about the 19th of May on account of my wounds, I was asked by the Artillery Hospital Serjeant there, (I think his name is Goddard,) whether there had been a clever Native at the head of the Magazine Establishment at Delhi. I told him there was, and mentioned one in particular, *viz.*, Karim Baksh, who was an intelligent man and also a good scholar capable of writing Persian well. The Serjeant then said to me that a Native had been to him that morning and informed him, that some one in the Magazine at Delhi had been sending circulars to all the Native Regiments, to the effect that the cartridges prepared in the Magazine had been smeared with a composition of fat, and that they were not to believe their European Officers, if they said any thing in contradiction of it. This man, Karim Baksh, was very active during the time the natives were attacking the Magazine, in communicating with them, and so suspicious did his whole conduct seem that Lieutenant Willoughby ordered me to remove him from the gate, adding that I was to shoot him if he attempted to return to it. This man has since been hung for his treacherous conduct on that occasion.

CROSS-EXAMINED BY PRISONER.

Question.—What kind of uniform did the men wear whom you say were my soldiers, and went to claim possession of the Magazine on my account?

Answer.—They wore a blue dress with a forage cap and a small design in brass, of a gun on it: the uniform was such as I have seen for the last 30 years worn by your Artillery soldiers, and these men, when asked who they were, with one voice exclaimed, that they were your soldiers.

EXAMINED BY THE COURT.

Question.—Have you ever ascertained where the scaling ladders were brought from?

Answer.—No, I have not.

The Witness withdraws.

Makhan, a mace-bearer of Captain Douglas, is called into Court, and duly affirmed.

EXAMINED BY JUDGE ADVOCATE.

Question.—Were you in attendance on Captain Douglas on the 11th of last May?

Answer.—Yes, I was present on that morning at the entrance into Captain Douglas' apartments.

Question.—What did you witness on that occasion?

Answer.—About 7 o'Clock a Cavalry soldier rode up to the Lahore Gate of the Palace, and demanded admittance to the interior, which the guard at the gate refused. He however persisted, and a report was immediately made to Captain Douglas, who at once went down to enquire into the matter. Captain Douglas asked the man what he wanted, when he replied that he had mutinied at Meerut, and arriving at Delhi had come to the guard for a drink of water and a pipe. Captain Douglas gave orders to seize him, when he immediately galloped off. Returning from the gate, Captain Douglas was yet in the covered way, when a messenger sent by the King met him and reported that a number of Troopers had arrived, and were collected under the lattices of the Palace. Hearing this, Captain Douglas came on at once to the Hall of Audience, and going to the balcony asked the Troopers what they wanted there. One of them replied, "We have mutinied at Meerut, and have come here for justice." Captain Douglas said, "Go to the old fort of Firozshah, and you shall have justice." After this Captain Douglas returned to the Lahore Gate of the Palace, where he heard that Mr. Fraser was engaged making arrangements at the Calcutta Gate, accompanied by the principal Police Officers of the City, and the guard allowed for the protection of the Agency, and immediately went on to join Mr. Fraser. I and the Chaprassy present went with him. At the Calcutta Gate there were collected Mr. Fraser, Mr. Hutchinson, and two other gentlemen whose names I do not know. Mr. Fraser was directing the chief Native Police Officer of the City to take two of his Sowars and see that there was no laxity in the arrangements at the Gates. While he was there engaged, four or five Cavalry Troopers were seen approaching at full speed with drawn swords from the direction of the Palace. One of them approached and fired his pistol at Mr. Fraser, who immediately jumped out of his buggy, while Buktawar Singh, Chaprassy, took a musket from the Police Guard at the gate, and handed it to his master. The musket was loaded, and Mr. Fraser shot the Trooper dead on the spot. This dispersed the man's comrades, who, however, before making off, wounded Mr. Hutchinson in the arm. An excessive crowd having by this time collected, Captain Douglas jumped into the Fort ditch, and was severely hurt in the feet and back by so doing. Mr. Fraser then came to the Lahore Gate of the Palace in his buggy, while Captain Douglas and Mr. Hutchinson walked along in the ditch of the Fort. On reaching the gate Captain Douglas had to be assisted out, and being considerably hurt, asked to be taken into the room called the Kuliyat Khana till he should recover a little from the shock he had received. In the meantime, the Reverend Mr. Jennings came down to him, and he and Mr. Hutchinson conveyed him to the apartments over the gate. At this time Mr. Fraser remained below, trying to suppress the disturbance, and while thus engaged, I noticed that Haji lapidary cut him down with a tulwar, and almost at the same instant some of the King's servants cut at him with swords till he was dead. I was at the head of the stairs, and this was perpetrated at the foot of them. One of Mr. Fraser's murderers was an Abyssinian. After this they made a rush to the upper apartments, when I immediately ran round by another door, and closed the door at the top of the stairs. I was engaged in shutting all the doors when the crowd who had found entrance by the southern stair, having forced one of the doors on that side, came and gave admission to the men who had assisted in murdering Mr. Fraser. These immediately rushed into the apartments where the gentlemen, *viz.*, Captain

Douglas, Mr. Hutchinson and Mr. Jennings had retired, and attacking them with swords, at once murdered them and the two young ladies. On this I ran down the stair case. As I got to the bottom I was laid hold of by one Mamdoh, a bearer in the service of the King, who said, " Tell me where Captain Douglas is, you have concealed him." He forced me upstairs with him. I said " You have yourselves killed all the gentlemen already"; but on reaching the room where Captain Douglas was, I saw that he was not quite dead. Mamdoh perceiving this also, hit him with a bludgeon on the forehead and killed him immediately. I saw the other bodies including those of the two ladies. Mr. Hutchinson was lying in one room, and the bodies of Captain Douglas, Mr. Jennings, and the two young ladies in another, on the floor, with the exception of Captain Douglas of that of which was on a bed. A gentleman had arrived that morning travelling from Calcutta, and he was killed somewhere in the direction of the Delhi Gate of the palace, he having tried to escape on that side. All the murders were perpetrated within a quarter of an hour after Mr. Fraser's death, and it was now between 9 and 10 o'Clock A. M. After the death of the gentlemen, the crowd began plundering their property, and fearing for myself, I ran off to my own house in the city, and never returned to the Palace till after the re-capture of Delhi.

Question.—Did you accompany Captain Douglas when he went from the covered way in the palace to the Hall of Special Audience, and if so, did he at that time have any interview or conversation with the Prisoner?

Answer.—Yes, I accompanied Captain Douglas, following him at a distance of about two paces, and can aver that he had neither interview nor conversation with the King of any kind, and that he returned to his own apartments without having spoken to him at all.

Question.—Can you positively affirm that, from the time Captain Douglas rose in the morning of the 11th of May to the hour of his death that same morning, he had neither interview nor conversation with the Prisoner?

Answer.—I can and do positively affirm that he had neither interview nor conversation with the King on the morning in question.

Question.—Did any other servant of Captain Douglas accompany him to the Hall of Special Audience with yourself?

Answer.—Yes, Bakhtawar Singh and Kishan Singh, messengers, were also with us.

CROSS-EXAMINED BY PRISONER.

Question.—Did Captain Douglas in your hearing require that the gate under the Prisoner's sitting room should be opened, so that he might go and speak to the mutinous cavalry below?

Answer.—Yes he did; he said to us " I shall go down to the Mutineers," and we dissuaded him from doing so.

Question.—Was not the Prisoner in the Hall of Devotion when Captain Douglas passed on to the balcony, and in doing so did not the latter go through the usual form of salutation to the King?

Answer.—Yes, the King was there, and Captain Douglas saluted him at a distance, and passed on, but did not speak to him.

Question.—How far did Captain Douglas pass from the King?

Answer.—About fifteen paces.

Question.—Did you hear the Prisoner dissuading Captain Douglas from going down to the Troopers standing under the lattices?

Answer.—No, I did not.

Question.—Did any thing pass between Ahsan Ulla Khan and Captain Douglas that morning?

Answer.—Yes, when Captain Douglas returned hurt by his fall, Ahsan Ulla Khan went up to his room. I was not present at the interview, and don't know what passed between them.

Question.—Do you know whether Ahsan Ulla Khan went to Captain Douglas of his own accord, or was he sent for ?

Answer.—I don't know.

Question.—When Captain Douglas came to the Palace did any conversation take place between him and Ahsan Ulla Khan or myself or any other of the King's servants ?

Answer.—I think not; but I did not observe closely.

The witness withdraws.

It being 4 o'clock, the Court adjourns till 11 A. M. on the 8th Instant.

TENTH DAY'S PROCEEDINGS.

MONDAY, FEBRUARY 8TH 1858.

The Court re-assembled this morning at 11 A. M. in the Hall of Special Audience at the Palace at Delhi, pursuant to adjournment of Saturday.

The President, Members, Interpreter and Deputy Judge Advocate General are all present.

The Prisoner, attended by his attorney Ghulam Abbas, is brought into Court.

Sir Theophilus Metcalfe is called into Court and duly sworn.

EXAMINED BY JUDGE ADVOCATE.

Question.—Some short time before the outbreak in May last, was there any paper stuck up on the walls of the Jama Masjid, purporting to be a proclamation from the King of Persia ?

Answer.—Yes, it was a small dirty piece of paper with a naked sword and shield depicted one on the right and the other on the left of it, and the purport of it was that the King of Persia was about to visit this country, and he called upon all the faithful followers of the prophet Muhammad to join with him in extirpating the English infidels, and offering landed estates and other large rewards to all who would do so : it was further stated that there were 500 men in Delhi at the time of putting up the placard, who were devoted to his interests.

Question.—Was there any allusion in it to the effect that the Shiah sect and Sunni sect of Mahomedans should forget their differences, and make common cause against the English ?

Answer.—No, I don't think there was.

Question.—Was the document palpably a false one in purporting to come from the King of Persia ?

Answer.—Yes, I think so.

Question.—How long did it remain on the walls of the Jama Masjid ?

Answer.—About three hours. It was put up there at night, I don't know the exact date, but it was about six weeks before the outbreak, and I suppose it may have remained up about three hours; in the morning a concourse of people was collected round it, and on hearing of this I had it taken down.

Question.—Did it, as far as you are aware of, excite much discussion or interest among the natives of Delhi ?

Answer.—No.

Question.—Was any effort made to trace where it came from?

Answer.—None; it was considered altogether too contemptible. Any disaffected person in the city might have put such a paper, and to have made a fuss about it, would only have been investing it with undue importance.

Question.—From any other source or cause had you any reason to suppose that about this time, there was any unusual amount of disloyalty to the English Government among the population of Delhi?

Answer.—No, not among the people of Delhi; but they were perfectly aware of the want of fidelity in the Sepoy Army, and the subject was frequently discussed. As an instance, it was currently reported about fifteen days before the outbreak, that an anonymous petition had been presented to the Magistrate stating that the Cashmere Gate of the city would be taken out of the possession of the English. This gate being our chief stronghold in the city, and main connection with the cantonments of Delhi, it would naturally be the first point seized, in any attempt at insurrection in the city, and it was also the only gate at which there was any military guard, the importance of it, therefore, in a strategical point of view, must have been obvious to all. This petition was never received; but the current report about it was indicative of what was then occupying the thoughts of many of the Natives. As a further proof of the feeling then existing, a Sidi of the King who was in constant attendance at the palace, secretly urged a Risaldar of the 14th Irregular Cavalry to leave our service, and to take service with the King, telling him, as an inducement to do so, that before the hot weather was over, the Russians would have come to India, and the Government of the English be at an end. The Risaldar communicated this to me; his name is Everett. He speaks English, and is partly of European extraction. He also informed me that about six months before, the King had sent an emissary to Russia. This Risaldar is now at Belaspur.

Question—Can you give the Court any information about the chapaties which were circulated from village to village some months before the outbreak, and has it been ascertained how they originated, or what was the purport of their being circulated?

Answer.—There is nothing but conjecture regarding them; but the first suggestion made by the natives in reference to them was, that they were thus sent about in connection with some sickness that prevailed; but this was clearly an error, as I took the trouble of ascertaining that these chapaties were never sent into any Native States, but were confined always to Government villages; they were spread through only five villages of the Delhi territory, when they were immediately stopped by authority, and they never proceeded further up country. I sent for the men who had brought them from the District of Bulandshahr, and their apology for circulating them was that they believed it to be done by order of the English Government, that they had received them elsewhere, and had but forwarded them on. I believe the meaning of the chapaties was not understood in the Delhi District; but originally they were to be taken to all those who partook of one kind of food, connecting a body of men together in contra-distinction to those who lived differently, and had different customs. I think these chapaties originated at Lukhnow, and were no doubt meant to sound a note of alarm and preparation, giving warning to the people to stand by one another on any danger menacing them.

Question.—Did you ever hear that the subject of the advance of the Persians upon Herat was much discussed among the natives?

Answer.—Yes, very much so; and frequently in connection with the idea of Russian aggression upon India. Every native newspaper had, atthis time, its correspondent in Cabul, and there was a constant communication kept up with the North, every newspaper having its weekly quota of information from thence.

Question.—Do you know where the Sidi who tried to induce Mr. Everett to abandon Government service now is?

Answer.—Yes; he was killed at Arab Serai.

Question.—Can you give the Court any other information relative to any agitation that about this time prevailed among the sepoys or native population of Delhi?

Answer.—Yes; I know that about five or six weeks before the outbreak, it was currently reported in the lines of the sepoys, and much discussed among them, that 100,000 Russians were coming from the North, and that the Company's Government would be destroyed, in fact the idea of a Russian invasion was universally prevalent.

Question.—Are you aware whether the King of Delhi, his relatives or other adherents, had any secret or treasonable correspondence or communications with the Company's Native Army at any time before the outbreak?

Answer.—No, I cannot speak to any such points.

Question.—Do you know whether the King of Delhi ever sent an emissary or letters to the King of Persia?

Answer.—I have heard that he did, but cannot speak positively.

The Prisoner declines to cross-examine.

The Witness withdraws.

Hasan Askari, Pirzada, is called into Court and duly affirmed.

EXAMINED BY JUDGE ADVOCATE.

Question.—Were you in Delhi at the time of the outbreak, and if so, what was your occupation?

Answer.—Yes, I was at Delhi; my occupation was that of a priest, and on one occasion when the King was sick, and had other priests to pray for him, he eventually sent for me. I went through some prayers and afterwards breathed on him, and the King recovering, used afterwards frequently to send for me; but finding this inconvenient, I begged that I might not be called for in future, and the King then promised with an oath that he would send for me only when he should be seriously unwell.

Question.—Did you know a man called Sidi Kambar, a servant of the King?

Answer.—I knew several of the Abyssinians amongst the armed attendants of the King by sight; but I knew by name only two or three of the King's servants; Sidi Kambar was not one of them.

Question.—It has been given in evidence before this Court that you entrusted an Abyssinian of the name of Sidi Kambar, a servant of the King, with letters from the King of Delhi to the King of Persia; what do you know about this?

Answer.—I know nothing of the matter whatever.

Question.—It has been given in evidence that you professed to have the power of prophecy, that you could interpret dreams, that you pretended to have been audibly addressed from heaven, and also that you claimed miraculous power:—to the truth of this the Prisoner has himself assented: what have you to say in reference to these subjects?

Answer.—I call God to witness that I never pretended to anything of the kind.

Question.—What made you, as you say, breathe upon the King; did you suppose that your breath had any curative effect?

Answer.—It is written in our book, that when a man prays for another and then breathes on him, it is likely to have a beneficial effect.

Question.—Did you ever tell the King that you had had a dream about a hurricane from the West, or any other quarter, coming upon India, devastating the land with a flood, which would bear up the King and annihilate the English?

Answer.—God knows, I never had such a dream, nor did I ever say so; but people from the Palace used frequently to come to me, telling me that they had been having dreams of the kind. I told them it was all a fallacy, and that I had no faith in dreams myself.

Question.—When did you leave the city of Delhi, and what has been the reason of your concealing yourself till discovered by the police?

Answer.—When it became generally known that the city was to be carried by assault, it was understood that the inhabitants were required to leave the place, and they began to flock out in crowds. I went out too. I first went out and stayed at Shahr Mirza-ud-din, till told to go away from that also. I next went to the Kutb, and from that to Garhi Harsaru, where I fell sick. I also went to other places till I reached Laknowti, where I heard that a search was being made for me at Gangoh. I accordingly decided on going there of my own accord, and went. On intelligence reaching my brethren there that I was coming, the Troopers hearing of my being in the vicinity came out and seized me while I was at my prayers in the shrine of the Imam Sahib.

The Prisoner declines to cross-examine.

The Witness withdraws.

Bakhtawar Singh, Chaprassy in the service of the Government, is called into Court and duly affirmed.

EXAMINED BY JUDGE ADVOCATE.

Question.—Were you in Delhi on the 11th of May last?

Answer.—Yes, I was.

Question.—Relate what you witnessed on that occasion.

Answer.—I was the servant on duty supervising the repairs of the Fort ditch, and was going with the account book for Captain Douglas' inspection. I was on my way, when a Trooper came galloping up from the direction of the Calcutta Gate. The Trooper had not reached the Palace Gate when I observed that Captain Douglas was standing there. I saw Captain Douglas speaking to the man; but before I reached the Palace Gate myself the Trooper turned his horse and rode off. Captain Douglas told me to go up to his apartments, and said that he was going to the interior of the Palace and should return immediately. Captain Douglas did so, and I stayed at the gate, Makhan, Kishan Singh and others accompanied him. Captain Douglas had hardly gone when Mr. Fraser arrived in his buggy and enquired for him. Mr. Fraser alighted and walked on through the covered way up to the opening. He then said to me he was going to the Calcutta Gate, and that I was to tell Captain Douglas so on his return., I then myself proceeded in the direction of the King's apartments and met Captain Douglas returning in a state of excitement. I gave him Mr. Fraser's message. Captain Douglas went to the Lahore Gate of the palace, and told the native-officer on guard there to close it, which was done. Captain Douglas at the same time gave orders that no crowd was to be allowed to assemble on the Bridge leading into the Palace. Just about this time an officer of the King's, styled a Captain, also came there from the direction of the main street of Delhi. The gâte had been closed and Captain Douglas' buggy was inside, so he directed me to ask this native officer for his buggy that he might go in it as far as the Calcutta Gate, whither Captain Douglas proceeded in it, I occupying the seat behind. At the Calcutta Gate we found Mr. Fraser, Mr. Nixon, Head Clerk, and four or five other gentlemen. The gate was closed after a short time. Mr. Fraser and Captain Douglas got into the buggy together, and were returning to the Palace accompanied by the other gentlemen on horseback, but had not proceeded far when four or five Troopers came galloping up at full speed from the direction of the Ellenborough Tank. About this time, there was a general cry that the Troopers had come. On reaching the party of gentlemen, one of the Troopers wounded Mr. Hutchinson in the arm with a pistol shot; the others also fired, but without effect. On this Mr. Fraser and Captain Douglas both got out of the buggy and went out of the way of the mutineers, and stood by the guard room of the Constabulary Force at the gate: two more gentlemen joined them there. Mr. Fraser got a musket from the Constabulary Force, and shot one of the Troopers. This checked the others and they turned and fled. A great crowd had by this time collected, and Captain Douglas and another gentleman jumped into the Fort ditch, along which they came on to the Palace Gate, Mr. Fraser and others coming by the road; but there was such confusion at the time, I can't say how. Captain Douglas was in a fainting state from the injuries he had received from jumping into the ditch, and we accordingly laid him on a bed in the Kuliyat Khana. In a short time Mr. Jennings, the clergyman, came down, and at his suggestion Captain Douglas was taken up to the apartments above the gate, where he was placed on a bed, Mr. Jennings sending the servants away, and telling them not to crowd about the place. We then received an order to go for the King's physician, and Abdulla Chuprassy fetched him accordingly. The physician Ahsan Ulla Khan had just left, when we servants who were sitting there saw some five Mahomedans, King's servants, coming along the covered way calling out "Din Din." Just at this time Mr. Fraser happened to come down to the foot of the stairs, and these men immediately attacked him and killed him with their swords. While this was happening on the north side of the gate, a mixed crowd, armed with swords, bludgeons, &c., ran up the stairs on the south side, and gained the apartments above, those assembled on the north side joining them there. By this time every one tried to make his own escape, and I did so with the rest. From that date, I never came to the palace till I returned to Delhi from Jabbu-ka-Katla. I should mention that at the commencement of the attack, the crowd was headed and urged on by a Mussulman Havildar of the 38th Native Infantry, who was one of the guard at the Lahore Gate of the Palace. I know nothing more.

The Prisoner declines to cross-examine.

The Witness withdraws.

Kishan Singh, Chuprassy of the Government, is called into Court, and duly affirmed.

EXAMINED BY JUDGE ADVOCATE.

Question.—Were you in Delhi on the 11th of May last?

Answer.—Yes, I was in attendance on Captain Douglas.

Question.—Were you present when Captain Douglas went in the direction of the King's apartments to speak to the mutinous Cavalry beneath the balcony; and if so, can you state whether Captain Douglas spoke to the King or not on the occasion?

Answer.—Yes, I was present, and there was some little conversation between Captain Douglas and the King; the latter advised him not to go down among the Mutineers, and as Captain Douglas was going away, the Prisoner requested that his own servants, in reference to the gates having been closed, might not be denied admittance to the Palace.

Question.—How far was Captain Douglas from the King when this was said?

Answer.—He was passing by, and did not stop to speak; he may have been about four paces, as the King had come out of his Hall of Devotion, and was standing by the doorway.

CROSS-EXAMINED BY PRISONER.

Question.—On returning, did Captain Douglas go by the passage nearest the Hall of Special Audience, or the other one?

Answer.—He went by that next to the Hall of Devotion.

Question.—Did not the Prisoner remark that he had been very comfortable under the English Government. ?

Answer.—No, he did not speak in allusion to the Government, but to the attentions he had received personally from Captain Douglas, who he said had been kind to him.

Question.—Did Captain Douglas make a request to the Prisoner to be allowed to go down to the Cavalry beneath the balcony, and if not how did the Prisoner learn that he wished to do so ?

Answer.—I don't remember; it occurred nine months ago; but Captain Douglas expressed a wish to have the gate below opened.

It being 4 o'Clock, the Court adjourns till 11 A. M. to-morrow.

ELEVENTH DAY'S PROCEEDINGS.

TUESDAY, FEBRUARY 9TH 1858.

The Court re-assembled this morning at 11 A. M. in the Hall of Special Audience in the Palace at Delhi, pursuant to adjournment of yesterday.

The President, Members, Interpreter, and Deputy Judge Advocate General are all present.

The Prisoner, attended by his attorney Ghulam Abbas, is brought into Court.

Chuni, News-writer for the public, is brought into Court, and duly affirmed.

EXAMINED BY JUDGE ADVOCATE.

Question.—Were you present in Delhi on the morning of the 11th of May last ?

Answer.—Yes, I was at my house.

Question.—Did you witness the soldiers coming from Meerut on that day, if so state all that you know relative to it ?

Answer.—No, I did not see them coming; but hearing that the City Gates were being closed, I went out to see what was happening; and on my coming into the Chandni Chouk street, I saw the chief police officer of the city busy having the shops closed. I heard from him that Sir Theophilus Metcalfe was similarly engaged. I went with the crowd in the direction of the Calcutta Gate, and there saw Mr. Fraser and four or five other gentlemen. Mr. Fraser's personal guard of Jhajjar Troopers was with him. Mr. Fraser went to the top of the gate accompanied by another gentleman and Sharif-ul-Hak, the chief police officer of the city, and at this moment, the police officer of the second class at the Sabzi Mandi. After a while Mr. Fraser came down and disposed the force present, by telling the Jhajjar Troopers to fall in and form, and at the same time made the Constabulary Guard form and draw their swords, himself taking a position between them. This had just been done when about seven Troopers and two men mounted on camels, galloped up by the road along the Palace from the direction of Daryaganj, and immediately on coming within pistol shot distance, the whole party fired at the European gentlemen at the gate. On this the crowd dispersed in all directions, and I also went home. I observed, however, before leaving, that the Jhajjar Sowars made no resistance but deserted Mr. Fraser, and fled immediately the Troopers came down. After that I did not leave my house till evening, and know nothing of the further incidents of that day.

Question.—When you went down to the Calcutta Gate, was a large crowd already assembled there ?

Answer.—There were at least 400 or 500 people collected in the small space known as the grape garden.

Question.—At what hour was this ?

Answer.—It was near 9 ; but I can't speak with certainty as to the time.

Question.—What was it, do you suppose, that made such a number of people collect there, the quarter not being one of traffic ?

Answer.—The unusual stir caused by the closing of the gate, led to the collecting of the rabble there, the crowd being increased by the bathers from the River hurrying to get in before the gates should be closed.

Question.—You say you were a News-writer, you consequently ought to be well informed on what was passing ; do you believe that no information had been given to many of the people a day or two before of what was likely to occur on the 11th ?

Answer.—I heard nothing of a preconcerted outbreak arranged particularly for the 11th of May ; but there was considerable agitation and excitement in the City, consequent, *first*, on a paper purporting to be a proclamation from the King of Persia, and *secondly*, on the reports which arrived of the burning of the Bungalows at Ambala, and of the reported disaffection of the Troops in consequence of their being required to use greased cartridges.

Question.—Did you edit a paper of your own, and if so, what was the title of it ?

Answer.—I did edit a paper, and headed it *Delhi News ;* but it was not known by that title or any other ; it was a mere explanation of the contents. I wrote it daily, and took the manuscript round and read it to my subscribers.

Question.—Used you to file copies, and if so have you any in your possession now ?

Answer.—I did file the originals regularly, both before and after the outbreak. I succeeded in preserving all those issued since the 11th of May by building them up in a wall, and on the recapture of Delhi, I made up any deficiencies with the assistance of Nandkishwar, and putting them in a complete form, I made them over to Colonel Burn, the Military Governor of Delhi, who had them translated.

Question.—How many Jhajjar Sowars had Mr. Fraser with him on the 11th of May ?

Answer.—Including Officers, the Guard comprised two or three and twenty men, and the whole of them were apparently with Mr. Fraser when he was attacked.

Question.—You have said that all these men, though in regular formation at the time, turned and fled on the approach of five or six Cavalry Troopers : to what do you attribute this ; do you believe that these men had previous information of what was going to happen ?

Answer.—My opinion is that they had no previous knowledge on the subject ; the Mutineers calling out " Din Din," the Jhajjar men acted on the impulse of the moment in deserting Mr. Fraser.

Question.—You did not previously state that they had called out any thing, how is it you forgot to do so ?

Answer.—It is eight months ago since all this happened ; as the different incidents come to my recollection I mention them. When I left, the Troopers were calling " Din Din," and were assuring the crowd on both sides that they would not harm or molest any of the Natives.

Question.—What were the general points of information of news you used to give in your paper previous to the 11th of May ; did any of the articles ever refer to the Native Army, or the disaffection supposed to exist in it ?

Answer.—My paper used to contain articles on all subjects of general interest, and all information that I could glean from printed papers. I remember on some few occasions having alluded to the cartridge question, and the mutinous spirit evinced by the Army in connection with them.

Question.—Do you remember ever writing any articles on the advance of the Persians upon Herat?

Answer.—I don't remember particularly having done so; but generally I used to insert such news concerning Persia as I was able to obtain from the journals of the city printed in Persian.

Question.—As you read these articles yourself to your subscribers, you must know which generally excited the greatest interest. Was the disaffection supposed to exist among the sepoys much attended to?

Answer.—It caused no excitement among the Hindus; but the Mahomedans took a marked interest in the news about Persia, and used to go about exulting and boasting that the Persians were coming, and would do this, that, and the other. As regards the general disaffection of the Troops, the Mahomedans only seemed affected by it, and certainly appeared to be very much excited and interested.

Question.—At the time the Persians were said to be coming, was there much talk also regarding the Russians?

Answer.—Yes, they were both spoken of; but the Persians more frequently so.

Question.—Were there any native newspapers circulated at Delhi, whose general tone and tenor were adverse to the British Government?

Answer.—There was one such paper, a weekly published by Jamal-ud-din, the articles in which evinced decided enmity against the Government; it was called the *Sadik-ul-Akhbar*, or the *Authentic News.*

Question.—Had this paper a great circulation, and was it a printed one?

Answer.—It had a circulation of some 200 copies in and out of the City of Delhi, and was lithographed.

Question.—Did this paper confine itself to its weekly publication, or did it sometimes issue Extras on particular news arriving?

Answer.—Yes, on occasions of important intelligence arriving, Extras were issued.

Question.—Among whom or what class of men had this paper its chief circulation?

Answer.—It had an equal circulation amongst all classes capable of reading, without distinction of caste.

Question.—Two hundred appears a very small number of copies for so populous a place as Delhi; is it customary among the Natives to read their papers among knots of friends if assembled to hear the news, and does one copy of a paper suffice for several families?

Answer.—Yes, it has been the custom among the subscribers to circulate their copies amongst their relations and friends.

Question.—Was the *Authentic News* considered the leading journal in Delhi; and what was its circulation as compared with others?

Answer.—Yes, it was considered the leading journal; the articles in it were better written, and some being extracted from papers published in English, had more interest for the Mahomedans. I cannot speak what relative circulation it had with others; but the copies of it sold were certainly much more numerous than of any other native paper.

Question.—You have mentioned it was very hostile in tone to the British Government, can you recollect the subject of any particular articles which evinced this feeling?

Answer.—I cannot remember any particular article in which such feeling was more conspicuously evinced than in others; but in those relating to Persia and the Russians, the style and tone of composition was always hostile, and very bitterly so.

Question.—Did you ever hear of any anonymous petition being sent to the Magistrate to the effect that an attack was to be made upon the Cashmere Gate, and that it was to be wrested from the possession of the English?

Answer.—No, I don't recollect having heard any such report.

Question.—Did you ever hear a report that there would be a great disturbance on the 21st of May or any other fixed date?

Answer.—No, I never heard any report of the kind.

Question.—Do you recollect the circumstance of Chapaties being circulated from village to village?

Answer.—Yes, I remember hearing of it before the outbreak.

Question.—Was this subject discussed in the native newspapers; and if so, what was considered the meaning of it?

Answer.—Yes, it was alluded to; and it was supposed to portend some coming disturbance, and was moreover understood as implying an invitation to the whole population of the country to unite for some secret object afterwards to be disclosed.

Question.—Do you know whence these Chapaties originated, or to what quarter general opinion among the Natives atrributed them?

Answer.—I have no knowledge as to where they were first started; but it was generally supposed that they came from Karnaul and Panipat.

Question.—Do you know whether a copy of the *Authentic News* used to be sent to the inmates of the palace?

Answer.—Yes, several copies used to be sent to the palace; but I do not know by whom they were taken.

Question.—Was a Court Journal kept by order of the Prisoner during the rebellion?

Answer.—Yes, one was kept; and it was published at the Royal Lithographic Press in the palace: before the outbreak, it contained chiefly items of intelligence connected with the palace, but other matters too were occasionally admitted to it. It was called the *Suraj-ul-Akhbar* or the "*Sun of Intelligence.*"

Question.—Were you present in the palace on the occasion of any Europeans being massacred?

Answer.—I was. One morning about five or six days after the outbreak on the 11th of May, I heard at my house that there was a great disturbance going on in the palace. I accordingly proceeded there, and entering by way of the Delhi Gate, I had reached the new palace, when I saw the King's personal armed attendants, and some of the mutinous soldiery were slaying the Europeans. It was about ½ past 9 or 10 o'Clock. At this time one of the King's servants spoke to me saying, you collect news for the English; if you continue to do so, you shall be served in the same way as these have been. This man's name was Bhika, and he was in the service of Mirza Abdulla, one of the sons of the Prisoner.

Question.—Where were the Europeans brought from?

Answer.—I don't know; but I heard they were brought from the King's kitchen.

Question.—Is this kitchen in the same square or Court-yard with the King's apartments?

Answer.—The King's apartments may be said to be on one side of the palace, and this place called the kitchen, in which the Europeans were imprisoned, was on the opposite side, the intermediate spaces being occupied by the court-yard, in which are the buildings of the Hall of Special Audience, and that of Public Audience: the distance from the King's apartments may be 200 or 250 yards.

Question.—What kind or rank of people generally occupied this place assigned to European ladies and children?

Answer.—The building was used as an office by the King's Professor of the Mahomedan Law.

Question. - Do you mean to say that such buildings as these ladies and children were confined in, were used in any way by persons of rank or importance?

Answer.—No, they certainly were not.

Question.—By whom then were they used?

Answer.—They were partially used as sheds for lumber: and formerly culprits imprisoned by the King used to be kept there.

Question.—Was there any means of guarding the ladies and children there if such had been wished, or is the place open to the entrance of any rabble who might fancy to go in?

Answer.—No, it was an open building, without protection or privacy.

Question.—Would any native of ordinary respectability not consider it a great indignity to be put there?

Answer.—Yes unmistakeably; he would consider himself disgraced and dishonored by being sent there.

Question.—Was this the only vacant spot in the palace in which ladies or children could have been kept in confinement?

Answer.—There was no scarcity of buildings in which they might have had every comfort.

Question.—By whose orders were these Europeans murdered?

Answer.—It was done by the King's orders; who else could have given such an order?

Question.—Did you see any of the King's sons present on the occasion looking on at the slaughter?

Answer.—There was a great crowd; I did not notice any of them. I observed, however, some people standing on the roof of Mirza Moghal's house, and heard that he himself was looking on through the lattices.

Question.—Were the Europeans bound with cords before they were murdered?

Answer.—I did not notice.

Question.—Were they made to sit down in a row before the slaughter commenced?

Answer.—I was not able to go up to the spot, and remained in the Trepolia. I could not see the crowd; but after the slaughter had been completed, and the crowd dispersed, when orders came from the King to remove the bodies, and they were being laden on carts, I went and asked the sweepers employed, and learnt from them that 52 people had been killed. The corpses on the ground then were lying in a circle.

Question.—How many corpses of men were among the number?

Answer.—Only five or six; the rest were women and children.

Question.—Do you know what was subsequently done with these bodies?

Answer.—Yes, they were taken in two carts in the direction of Salimgarh in order to be thrown into the river in conformity to the Prisoner's orders.

Question.—When the massacre had been accomplished were any guns fired as a token or expression of joy on the occasion?

Answer. - I heard no guns myself, nor did I hear from any one else that any had been fired.

It being 4 o'Clock the Court adjourns till 11 A. M. to-morrow.

TWELFTH DAY'S PROCEEDINGS.

WEDNESDAY, FEBRUARY 10TH 1858.

The Court re assembled this day in the Hall of Special Audience in the Palace at Delhi. The President, Members, Interpreter and Deputy Judge Advocate General are all present.

The Prisoner is brought into Court attended by his attorney Ghulam Abbas.

Chuni, the witness of yesterday, is re-called into Court, and examined on his former affirmation.

EXAMINATION BY JUDGE ADVOCATE—*(Continued.)*

Question.—Can you give the Court any information about any other persons murdered in other quarters of the City of Delhi?

Answer.—I witnessed no other murders but those I have already spoken of: but I heard that some Europeans, about 25, so long as their ammunition lasted, defended themselves in the Kishangarh Rajah's house. On their ammunition failing, they were brought out from an under ground apartment, and killed by some of the Mahomedan inhabitants in concert with some of the mutinous troopers.

Question.—Was the King's authority ever proclaimed in Delhi, and if so when?

Answer.—On the 12th of May, the King's orders directing the re-opening of the shops was proclaimed by beat of drum, and about two days after the King went out in state, mounted on an elephant, and accompanied by a regiment of Infantry, some guns, his own special armed retainers, and a band of musicians. This was done with the object of having the shops re-opened; he went as far as that part of the main street, where the houses are built, so as to form a crescent on either side, and returned with the same pomp and ceremony as that with which he had set out. There was a salute of 21 guns fired on his departure from the palace, and a similar one on his return to it.

CROSS-EXAMINED BY THE PRISONER.

Question.—Did you ever hear that the mutinous troops which came from Meerut, did so at the King's suggestion, or on the impulse of their own wills?

Answer.—I have no information on the subject either one way or the other.

Question.—You stated yesterday that the building in which the ladies and children were confined was used by the King's Professor of the Mahomedan Law: you afterwards stated that any native of respectability sent there would unmistakeably consider himself disgraced and dishonored by it, how do you reconcile these statements?

Answer.—All sorts of people, high and low, used to collect there owing to its being an office; and from this it is evident that it could not have been considered a fit place for the detention of people having any claims to respectability. It was not the residence of the Professor, it was merely where he used to discharge his office duties.

The witness withdraws.

Chuni Lal, Pedlar, is called into Court, and duly affirmed.

EXAMINED BY JUDGE ADVOCATE.

Question.—Were you in Delhi on the 11th and 12th of May last?

Answer.—Yes, I was, on both dates.

Question.—Did you on either of those dates hear the King's authority proclaimed by beat of drum?

Answer.—On the 11th of May, about midnight, some 20 guns were fired in the palace. I heard the reports at my house, and next day at about noon, a proclamation was made by beat of drum that the country had reverted to the possession of the King.

Question.—Did you witness any procession made by the King on an elephant in state?

Answer.—No, I left the palace a few days after the out-break: I never saw the King's procession: but on one occasion I witnessed the state procession of Mirza Moghal as Commander-in-Chief.

The Prisoner declines to cross-examine.

The witness withdraws.

Gulab, a messenger, is called into Court, and duly affirmed.

EXAMINED BY JUDGE ADVOCATE.

Question.—Were you in Delhi at the time the European ladies and children were massacred in the palace in May last, and if so did you see them on that occasion ?

Answer.—Yes I was, and saw them murdered.

Question.—When did you first hear that they were to be killed ?

Answer.—I heard of it two days before the occurrence ; it was said the Europeans would be killed in two days, but I do not recollect what day it was. On the day fixed for the slaughter arriving, great crowds of people were flocking to the palace at about 10 A. M. I entered with them. On reaching the first court-yard, I saw the prisoners all standing together, surrounded on all sides by the King's special armed retainers, or what you may term his body guard, and some of the Infantry mutineers. I did not observe any signal orders given ; but on a sudden the men just mentioned drew their swords and all simultaneously attacked the prisoners, and continued cutting at them, till they had killed them all. There were at least 100 or 150 men employed in this work of slaughter.

Question.—Did any one make any attempt to save them, or did you ever hear that any one had interceded for them with the King ?

Answer.—No, no one made any attempt whatever to save them, nor did I hear that any one ever interceded with the King on their account.

Question.—You have stated that the time for murdering these women was fixed two days previously ; was it stated by whose orders they were to be murdered ?

Answer.—I did not hear whose orders had been issued in the matter ; but without orders it could not have happened.

Question.—Was it generally understood that the King sanctioned the murder of these women and children ?

Answer.—This was not known at the time ; but people spoke about it, saying " The prisoners are to be killed the day after to-morrow."

Question.—Was any authority in Delhi capable of giving an order for their murder beyond that of the King ?

Answer.—There were only two sources from which the order could have emanated, the King and his son Mirza Moghal. I don't know which of them gave the order.

Question.—How many Europeans do you suppose were murdered on this occasion : and were they tied previous to being killed ?

Answer.—I can make no estimate ; they were standing together in a line, surrounded by their murderers ; but the great portion of the prisoners were children ; they were not tied in any way.

Question.—Do you know what was done with the bodies ?

Answer.—No, the palace was cleared of the crowd by the soldiery immediately after the slaughter, and I never heard what became of the bodies.

Question.—Did you witness the murder of any people at the bank ?

Answer.—Yes, I was witness to the murder of Mr. Berresford and his family. When the bank was attacked by the mutineers and the rabble, Mr. Berresford and his family retired to one of the out-offices for concealment, and when discovered were on the roof of the building. Mr. Berresford was armed with a sword, and Mrs. Berresford had a spear. The mutineers being afraid to approach them by the stair-case in front, two of the rabble suggested that they should go round and scale the wall in the rear of the house. Mrs. Berresford struck one of the assailants with a spear and killed him, they were, however, overpowered and all killed. I do not know what number of persons were killed at the bank ; but there were several. This occurred on the day of the outbreak at about 12 o'Clock.

Question.—Were any of the ladies taken away, or were they all killed at once ?

Answer.—They were all killed immediately; none were retained as prisoners.

Question.—Were any of the King's armed retainers among the assailants at the bank?

Answer.—No.

Question.—Was the King proclaimed as the Reigning Sovereign immediately after the outbreak?

Answer.—Yes, the proclamation was made by beat of drum on the very day of the outbreak, about 3 in the afternoon, to the effect that it was now the King's Government.

The Prisoner declines to cross-examine.

EXAMINED BY COURT.

Question.—Do you know why the prisoners were kept so many days in confinement, and was there any reason for appointing any particular day for their murder?

Answer.—No, I have no knowledge on either point.

The witness withdraws.

Ahsan Ulla Khan, the Physician, is recalled and examined on his former affirmation.

EXAMINED BY JUDGE ADVOCATE.

Question.—Was a Court diary of occurrences at the palace kept by order of the King during the rebellion?

Answer.—The Court diary was kept up as usual according to the custom which had long preceded the outbreak.

Question.—Look at this leaf, and see whether you can recognize the handwriting on it?

Answer.—Yes, it is in the handwriting of the man who kept the Court diary, and this leaf is a portion of it.

Translation of an Extract from the Court diary for the 16th of May 1857.

" The King held his Court in the Hall of Special Audience. 49 English were prisoners, and the army demanded that they should be given over to them for slaughter. The King delivered them up, saying 'The army may do as they please,' and the prisoners were consequently put to the sword. There was a large attendance, and all the Chiefs, Nobles, Officials and Writers presented themselves at the Court, and had the honor of paying their respects."

Question.—Were you present on the 11th of May at Delhi?

Answer.—Yes I was.

Question.—Relate what you witnessed on that occasion.

Answer.—On the morning of the 16th of Ramzan, *alias* the 11th of May, at about 7 o'Clock A. M., a Hindu sepoy of the 38th Regiment of Native Infantry came up to the door of the Hall of Special Audience in the palace, and said to some of the door-keepers that happened to be on the spot, that the native army at Meerut had mutinied against the State, and were now on the point of entering Delhi; that he and the rest of them would no longer serve the Company, but would fight for their faith. My house is in the palace and close by the Hall of Special Audience, and I was immediately informed by one of the Mahomedan door-keepers of what the 38th sepoy had said. I had hardly received this information, when the King of Delhi sent for me. I attended on him immediately, and His Majesty said, " Look, the Cavalry are coming by the road of the Zer Jharokha" *(Zer Jharokha is literally " under the lattice," but appears to be a name given generally to the ground immediately under the lattices of the palace).* I looked and saw about 15 or 20 of the Company's Regular Cavalry, then about 150 yards distant. They were dressed most of them in uniform, but a few had Hindustani clothes on. I immediately suggested to the King to have the gate fastened by which entrance to the palace from the Zer Jharokha is obtained, and this had scarcely been done when five or six of the Sowars came up to the closed gate which leads directly under the Saman Burj Palace, where the King has his own private residence in close contiguity with the apartments of the Queens and other secluded females of the establishment. The sowars commenced calling out " Dôhài Badshah" or—" Help O King ! we pray for assistance in our fight for the faith." The King hearing this, made no response, nor did he even show himself to the men beneath; but told Ghulam Abbas, Shamshir-ud-doulat, who was also present, to go to Captain Douglas, Commandant of the palace guards, and apprize him of the arival of the Sowars, and request him to do whatever might be necessary in the case. The King then retired to his inner apartments, and I went to the Hall of Special Audience, and almost immediately Ghulam Abbas returned accompanied by Captain Douglas. The latter instantly went to the balcony overlooking the Zer Jharokha, where the Cavalry still remained, and said to them " Go away from this : this is the King's Palace, your presence here is an annoyance to the King." On this the Cavalry went off in the direction of the Rajghat Gate which gives an entrance to the city immediately to the south of the palace. The King on hearing that Captain Douglas had come, went out and met him in the open space between his private residence and the Hall of Special Audience, when Captain Douglas said to him " Don't be alarmed, the disturbance shall be put down at once, I will have the men apprehended." He was going off apparently for this purpose, and requested that the gate under the Saman Burj, which I had closed, might be opened to enable him to go and speak to the Cavalry for the purpose of reasoning with them. The King said " You have neither pistols, guns or soldiery with you, your going among these men would be indiscreet." So Captain Douglas then went off to his own apartments. A very short time subsequently to this, Pran Jemadar, a servant of Captain Douglas, came and said that Captain Douglas wished that I and Ghulam Abbas would go to him. We accordingly went, and on seeing Captain Douglas he said to us I have sprained or hurt my foot. There was another gentleman with him whom I did not recognize; he was lying down on a couch and had a sabre wound on his right arm. Captain Douglas said ' Send two palanquins with bearers immediately that the English ladies here may be taken to the Queen and placed under her protection," and just at this time Mr. Simon Fraser, the Commissioner, came into the room and said " Get from the King two guns with Artillery and place them at the gate-way underneath us." On this, Mr. Fraser came down from Captain Douglas' apartment above the gate way accompanied by myself and Ghulam Abbas. I and Ghulam Abbas went straight to the King to deliver the above message, and Mr. Fraser staid at the opening of the gate-way. We, with the King's permission, immediately sent the palanquins for the ladies, and also gave instructions about the guns; but shortly after this, information reached us that the Cavalry had entered the palace enclosure by the Lahore Gate where Mr. Fraser wished the guns placed, and over which Captain Douglas had his residence : it was also told us that they had killed Mr. Fraser and had gone up to Captain Douglas to kill him. This was instantly confirmed by the return of the palkee bearers, who told us that they had witnessed Mr. Fraser's murder, that his body was in the gate-way, and that the troopers had ascended to the upper building for the purpose of murdering those there. The King on hearing this, gave orders for all the gates of the palace to be closed; but answer was given that the Infantry, *viz.*, some of the 38th Native Infantry who were on guard at the palace, would not allow of such being done. After a lapse of some time the Cavalry, to the number of about 50, rode up to the Hall of Special Audience, dismounted, and picketed their horses in the adjoining garden. The infantry, I am not sure of what regiments, but I think of all the three

Delhi regiments, also came into the palace enclosures, and laid down their beddings in any of the palace buildings that they could make available. The Infantry from Meerut did not reach Delhi till about 2 P. M. of that day; they did not reach Delhi in a body, but came straggling in, and as they arrived joined the Infantry of the Delhi regiments in spreading their bedding over all parts of the palace enclosures. There was no regular Court that day; but the King came out some three or four times to the Hall of Special Audience, where the mutineers were lying about all over the place: and the mutinous troopers came flocking into the palace the whole day and even after the night set in. The 54th came in the evening, and went off at once to occupy the Salimgarh Fort, where they the next day fixed guns which they brought out of the Magazine for the purpose of checking any advance of European troops from Meerut. For three days constant alarms, and especially at nights, were given that the Europeans were coming, when the bugles sounded and the mutineers got under arms. On the 12th of May the Prisoner's three sons Mirza Moghal and Mirza Khair Sultan and his grandson Mirza Abulbakr applied for the principal commands in the army. I represented to the King that they were not of sufficient age and experience for such appointments, nor would they understand any of the duties, and they were much displeased in consequence, The matter remained pending that day. The next day, however, they got Mirza Mendu, Mirza Bakhtawa Shah, and Mirza Abdulla, together with the officers of the army, to join them in their request, and accordingly two days after, they were severally nominated to commands and received dresses of honor.

Question.—You have said that on a requisition being made, the King sent palanquins for the two ladies in Captain Douglas' apartments: when he heard that they and Mr. Fraser had been all murdered, did he take any steps to secure or punish the murderers?

Answer.—No, there was such confusion that nothing was done.

Question.—It is in evidence that the King's own special servants murdered Mr. Fraser and different persons in the palace on that day: were these servants continued in pay and employment?

Answer.—I never heard that any of the King's servants had joined in the murders; but certainly none of them were ever dismissed on this account.

Question.—Do you mean to say that it was not generally known by whom the murders were committed?

Answer.—No, it was not generally known, nor did I hear who committed the murders.

Question.—Was the slightest investigation ever made on this point?

Answer.—No, none whatever.

Question.—How many armed retainers did the King possess before the outbreak?

Answer.—About 1,200 of all descriptions.

Question.—Were these men in different branches of the Army, such as Artillery, Cavalry and Infantry?

Answer.—Yes, they were divided into Artillery, Cavalry and Infantry.

Question.—How many cannon did the King possess?

Answer.—There were six serviceable ones; and I don't know how many others were lying about which were not in use.

Question.—How was this force employed on the 11th of May, the day of the outbreak?

Answer.—They were distributed in guards at the different gates and other houses of the principal palace officials: some who held appointments in consideration of money advances, seldom attended; but received their monthly stipends and remained at home.

Question.—How was it that so many English women and children were brought to the palace and placed in confinement?

Answer.—The mutineers took them in and about the city, and having established their own quarters in the palace, they brought their prisoners in with them too.

Question.—Do you mean to say that each man who took an English person prisoner, retained the custody of him, or of her, or of the children?

Answer.—No, as they brought them in, they reported the circumstance to the Prisoner, and in each successive case they were told to take the Europeans to the kitchen, and keep them confined there.

Question.—Who appointed this kitchen as the place of their confinement?

Answer.—The King said that it was a large capacious building, and told the mutineers to keep the prisoners there.

Question.—Who commanded the King's armed retainers before the outbreak?

Answer.—Mahbub Ali Khan virtually did so.

Question.—Did any of them go and attack the Magazine on the 11th of May, and if so, by whose orders was it done?

Answer.—No, none of them went according to any orders that I heard of; nor do I know of any having gone at all; but some or all of those living out in the city may have gone, for all I can say.

Question.—Do you know whether any emissary from the King, or any relative of his, is at this moment or has been lately at the Court of the King of Persia?

Answer.—No, I cannot speak as to the present time; but about two or three years ago, I remember reading in Muhammad Bakr's *Gazette*, that Mirza Najaf, one of the Prisoner's nephews, had gone to the Persian Court, and had been received by the King of Persia with much courtesy and kindness.

Question.—Was this man sent by the King of Delhi?

Answer.—I don't know; but this man's brother, two years before, was sent as an ambassador with a great number of papers to the Government at Calcutta.

Question.—Cannot you give the Court any information relative to Hasan Askari's sending Sidi Kambar to Persia? It is in evidence that you were trusted in all matters of importance, and such as required writing; and it is believed you know all about the matter now alluded to.

Answer.—I solemnly and feeling myself on oath, declare that I have not concealed or misrepresented a single particular. I might have been confided in but still I was a servant; many points of importance were not entrusted to me, for instance, when the King wished to repudiate his wife the Taj Mahall, who was by caste a Mahomedan Domni, one of the lowest orders, and to whom he had been reunited in regular marriage, I was not at all consulted : nor was I acquainted with the intrigues going on to secure the succession of Jawan Bakht and other equally important matters. I know nothing of what may have been transacted between the Prisoner, Hasan Askari and Sidi Kambar.

Question.—Do you know whether the King through his adherents by correspondence, or in any manner whatever, kept up any communication with native officers or soldiers of the Company's Army, before the outbreak?

Answer.—No, I don't know that he did; it is possible there may have been a correspondence; but I don't think it is likely there was.

It being 4 o'Clock, the Court adjourns till 11 A. M. to-morrow.

THIRTEENTH DAY'S PROCEEDINGS.

THURSDAY, FEBRUARY 11TH 1858.

The Court re-assembled this day at 11 A. M. in the Hall of Special Audience in the Palace at Delhi, pursuant to adjournment of yesterday.

The President, Members, Interpreter and Deputy Judge Advocate General are all present.

The Prisoner is brought into Court.

Ahsan Ulla Khan, Physician, is brought into Court, and reminded of his former affirmation.

EXAMINED BY JUDGE ADVOCATE.

Question.—Are you aware whether the paper called the *Sadik-ul Akhbar* or *Authentic News*, was generally perused by the Prisoner before the outbreak?

Answer.—He used not to read it regularly, but occasionally some of the princes may have communicated a portion of its contents.

Question.—Did any of the princes appear to take much interest in or attach importance to the articles about Persia, and was it generally represented that the English were being defeated by the Persians?

Answer.—I never read the paper myself, but I heard it was generally represented that the English were being defeated by the Persians, and the princes moreover attached importance to this intelligence, and seemed to credit it.

Question.—Before the outbreak did the Mahomedans generally believe that the reign of the English was coming to an end, and did the princes join in propagating this idea?

Answer.—No, I did not hear of any such belief.

CROSS-EXAMINED BY PRISONER.

Question.—You said that there were 1,200 soldiers in the King's service: describe the uniform of the three branches of the King's army, and what were the appellations of the different regiments?

Answer.—There were two regiments of infantry composed of 500 men each; the color of their uniform was severally black and brown, the turbands and waistbands of both being red; there were no devices of ornaments about the uniform beyond what was necessary to distinguish the different grades. The artillery consisted of about 40 men; their uniform was dark blue, the turbands and waistbands being red; they had no ornaments or devices about their dress; the special guard of the Prisoner was dressed in red coats, with dark blue turbands and waistbands.

The witness withdraws.

Mrs. Aldwell, wife of Alexander Aldwell, a government pensioner, is called into Court, and duly sworn.

EXAMINED BY JUDGE ADVOCATE.

Question.—Were you in Delhi on the 11th of May 1857?

Answer.—Yes.

Question.—Where were you residing; and at what time did you first hear that the native troops from Meerut had come to Delhi?

Answer.—I was residing in the part of the city known as Daryá-ganj, and I got intimation of the sepoys coming from Meerut between 8 and 9 A. M. on the 11th of May.

Question.—Relate all you witnessed on that day.

Answer.—One of my saises came and told me that the troops had mutinied and come from Meerut, and had murdered all the Europeans they met with on their way here, and recommended that our carriage should at once be got ready to take us away, as the soldiers had determined on murdering all the Europeans in Delhi also. While I was speaking to the man, our next door neighbour Mr. Nowlan confirmed the report that the sais had just brought, and asked if he could speak to Mr. Aldwell. The two consulted together, and as our house was the largest and strongest, it was determined that all the Europeans in the neighbourhood should collect there and defend themselves as long as they could, or till such time as help should arrive. After that, Mr. Aldwell and Mr. Nowlan went to the guard at a hospital close by. This guard was composed of native infantry sepoys, and Mr. Nowlan and Mr. Aldwell asked them whether they would assist in defending us, adding that the Europeans would, in return, render them all assistance that might be in their power. "Go and mind your business, and we will mind ours," was the reply given by these sepoys. At this time, shortly after 8 o'clock, the Meerut sepoys had not even crossed the bridge, and could not therefore have communicated with this guard. After this the Europeans who had by this time collected in our house began barricading the doors, and the women and children were sent up stairs. I think we must have numbered, inclusive of men, women and children, upwards of thirty people We then saw the mutineers crossing the bridge at about 9 o'clock. A good number of them were cavalry and some infantry: this portion of the mutineers passed close under the walls or parapets of our house, which is immediately on the banks of the river, and some of them fired at one of the gentlemen who was then on the top of the house. This body then went off in the direction of the jail, with the intention, as we supposed, of setting the prisoners free. Shortly after that, we heard they had entered the city and were murdering the Europeans wherever they met them. About this time, one of the city people, a Mahomedan and a dyer by trade, rushed into our grounds with a drawn sword in his hand, reeking with blood, repeating the Kalima* and calling out to know where the Europeans were. Mr. Nowlan asked him who and what he was, and on his not replying, shot him dead. This man was the only one who had entered the grounds, but then 50 or 60 of his followers, city people, collected at our gate. About 11 o'clock, a Mrs. Foulon was brought into our house by a Mahomedan; she had been severely wounded in the head by some of the city people, who had entered and plundered her house. Nothing further of consequence happened till about 3 P. M., when the Magazine blew up. I then requested Mr. Aldwell to let me and my three children leave the house, as the servants told me that the mutineers had gone for the purpose of bringing guns to bear upon it, and I was anxious to obtain concealment elsewhere. Myself and three children then dressed ourselves as natives, and left the house in two native doolies, and were taken to the residence of one of the King's grandsons, by name Mirza Abdulla. His wife and sister received us kindly, for Mr. Aldwell and myself had known the family before. We remained there till 8 that evening, when Mirza Abdulla came and said he would remove us to a house of greater security, *viz.*, to one belonging to his mother-in-law. He removed us there, keeping some of our property with him, saying it would be dangerous for us to take it in the streets, and that I was to send my munshi for it the next morning. I accordingly sent my munshi for this property, *viz.*, 200 Rupees in money, and some silver plate; but Mirza Abdulla denied having received it, and sent word that if we didn't remove from his mother-in-law's house, he would send people down to murder us, and accordingly that evening, at about 6 o'clock, he sent his uncle and some of his servants to see if we had left his house, and if not, to murder us there. I did not see the uncle, but I saw the servants, and they had drawn swords in their hands, when my munshi's mother upbraided, saying, "Is this the Mirza's hospitality, if this had been his intention, why did he "not refuse to receive us? Why promise shelter and safety merely for the purposes of mur-"der." She also added, "If you are determined to kill any one, kill me first; I have eaten "the Christian's salt, and cannot now see them murdered." She also added tauntingly, "By "killing me you will perform a very meritorious action, as I am a Syadni and a Shiah."

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* Mahomedan confession of faith.

This was in allusion to the King's family being Sunnis, and the sect of Sunnis having originally murdered the sons of the prophet or the Syads. The men replied to her that if they were to do so, they would be as bad as infidels; but that they were determined on killing all the Christians, and advised all who were not so either to leave the house and let them kill us there, or to turn us out of the house, and they would murder us in the street. It was finally permitted to us to remain till next morning, on condition of our then leaving. During the night, however, my munshi brought my tailor to me, and I asked if he knew of any place where he could take and conceal us. He said that he had heard that Nawab Ahmad Ali Khan was sheltering Europeans, and he would take us there. He went to get the Nawab's conveyance; but when he returned he said the mutineers had already got information of Europeans being concealed in the Nawab's residence, and had brought guns to bear on it; but that he would take us to his own house. He did so; and while we were there, he said that he had heard that several Christians had been taken to the palace, and that the King had guaranteed their lives there, though he had put them into confinement, and he advised us as the safest place to go there. On Wednesday night, at between 7 and 8, this tailor and one of the cavalry mutineers, by name Kadirdad Khan, escorted us to the palace. This trooper had formerly received some kindness from the tailor, and on this account agreed to escort us, saying at the time, he would not prove ungrateful to him, although they had all taken an oath to murder every European. On reaching the Lahore Gate of the palace, we were made prisoners by some of the King's police stationed there as a guard. These men took us to Mirza Moghal, who ordered us to be confined with the rest of the European prisoners then in confinement. We were accordingly taken there on Wednesday night, the 13th of May. As far as I can guess, I should say, men, women, and children included, there were from 46 to 50 persons imprisoned. Their names, as far as I and my children have been able to recollect them, are according to the following list, *viz.* Mrs. Scully and three children, Mrs. Glynn, Mrs. Edwards and two children, Mrs. Mollony and two children, Mrs. Sheehan and child, Mrs. Corbet and daughter, Mrs. Staines, Mrs. Cochrane, Miss Staines, Miss M. Hunt, Miss E. Berresford, Miss L. Ryley, Master Richard Shaw, Miss Alice Shaw, Miss Ann Shaw, Mr. Roberts and son, Mr. Crow, Mr. Smith. There was one other man whose name I don't know, nor can I recollect the names of the other women and children. We were all confined in one room, very dark, with only one door, and no window or other opening. It was not fit for the residence of any human being, much less for the number of us that were there. We were very much crowded together, and in consequence of the sepoys and every one who took a fancy to do so, coming and frightening the children, we were obliged frequently to close the one door that we had, which then left us without light or air. The sepoys used to come with their muskets loaded and bayonets fixed, and ask us whether we would consent to become Mahomedans, and also slaves, if the King granted us our lives; but the King's special armed retainers from which the guard over us was always furnished, incited the sepoys to be content with nothing short of our lives, saying we should be cut up in small pieces, and given as food to the kites and crows. On Thursday some of the sepoys came and told the ladies that they intended to kill us all, by mining and blowing up the palace. We were very indifferently fed; but on two occasions the King sent us better food. Nothing further of consequence occurred till Friday afternoon, when one of the King's special servants asked one of the ladies, (I think it was Mrs. Staines), if the English were ever restored to power, how they would treat them, and she replied, "Just as you have treated our husbands and children." The next morning, between 8 and 9 o'clock, *viz.*, on Saturday the 16th of May, the whole party of the Europeans, with exception of myself, three children, and an old native Mahomedan woman, who had been confined with us for giving food and water to some Christians, were taken out and murdered.

Question.—How do you know that these people were all murdered, and how was it that an exception was made in favor of yourself and children ?

Answer.—Before leaving my tailor's house, I had a petition written addressed to the King, and was taking it myself in hopes of seeing the King, and being able to present it to him in person; but when I was taken prisoner by the guard at the Lahore Gate, the men composing it took the paper from me: in it I had stated that myself and children were from Cashmere and were Mussulmanis. On this account we had our food given to us separately, and the King's own servants evidently believed we were Mussulmanis, as they ate and drank with us. Since the outbreak on Monday, I had learnt and had taught my children the Mahomedan confession of faith, and we were all able to repeat it. It was from believing us Mussulmans that our lives were spared. On the morning of the 16th of May, some of the King's special servants, attended by a small number of infantry sepoys, came and called out to our party, that the Christians were to come out of the building, and that the five Mahomedans were to remain. The women and children began crying, saying they knew they were going to be murdered; but the Mahomedans swore on the Kuran, and the Hindus on the Jumna that such was not the case, that they wanted to give them a better residence, and that the one they were then in would be converted into a Magazine. On this they went out, were counted; but I do not know the number; a rope was thrown round to encircle the whole group, the same as prisoners are usually kept together when on the move, and in this manner they were taken out of my sight, and as I heard, brought under the pipal tree by the small reservoir in the Court-yard, and there murdered with swords by the King's private servants. None of the sepoys took part in killing them. The privilege, for it was so considered, of murdering them was particularly reserved for the King's own servants, as it was believed by them that the killing an infidel would ensure them a place in paradise. I was told of this at the time by the wife of a sweeper, and afterwards when residing in Delhi during the whole time of the rebellion, frequently heard this circumstance confirmed. Two guns were fired immediately after the massacre had been completed, and I was then informed that this was intended as a token of joy. About an hour after the massacre, an old man who used to be known as the Mufti Sahib, came and said to the King's private servants who were guarding us, that he wanted to see the five prisoners who had been saved. He told us that our lives had been spared, and told the King's servants to conduct us to some place of safety, but on no account to do it during the day, as the sepoys or city people might murder us. (I may mention that some of them had suspicion of our being Christians). In the evening we were taken back to my tailor's house, and the following Tuesday we were again made prisoners by the police officer of the quarter where we were hiding. We were brought as prisoners before Mirza Moghal. The police officer informed him that we were Christians in disguise, and he gave orders that we should be executed; but the Sepoys of the 38th prevented this being carried into effect, saying they would take us. We were then taken and confined in Captain Douglas' apartments, where we were kept in confinement till the day after the battle of the Hindan, when we were released by the 38th Sepoys. When the Sepoys who returned defeated on that occasion, came back to the city, the men began talking despondingly, saying they would have no chance against the English. The Hindu sepoys especially upbraided the Mahomedans, saying, "This is your first engagement with the English; is this the way you "intend to fight for your faith?" They also already spoke in terms of much regret of the turn that affairs had taken, reproached the Mahomedans for having deceived them on pretences of their religion, and seemed to doubt greatly whether the English Government had really had any intention of interfering with their caste. Great numbers of the Hindu Sepoys at this time declared that if they could be sure their lives would be spared, they would gladly go back to the service of the Government; but the Mahomedans, on the contrary, used to assert that the King's service was much better than that of the English, that the Nawabs and Rajahs would supply the King with large forces, and they must eventually conquer.

Question.—During your stay in the city of Delhi, had you any opportunity of observing that there was a marked difference between the bearing of the Mahomedans generally, and that of the Hindus in reference to the rebellion?

Answer.—Yes, the Mahomedans always seemed glad that the mutiny had taken place, and during the Muharram festival, I heard the Mahomedan women praying, and teaching their children to pray, for the success of their faith, and these prayers were generally accompanied by execrations against the English.

Question.—Had the Mussulmans and Hindus any quarrels or discussions among themselves on the score of religion when they were in Delhi together?

Answer.—I think when the troops first came, the Hindus made the King promise that there should be no oxen killed in the city, and this promise was kept. I believe that not a single oxen was killed in Delhi during the whole time of the rebellion. On the festival of the Bakr-Eed, when the Mahomedans usually slaughter an ox, a disturbance was expected; but the Mahomedans refrained from doing so on this occasion. On the morning of the 9th of September, I effected my escape from Delhi in native disguise, and accompanied by my three children and two servants, reached Meerut.

The Prisoner declines to cross-examine.

EXAMINED BY COURT.

Question.—From what has come to your knowledge, do you believe that any European females were treated with great insult and indignity, either by the native soldiery or populace of Delhi?

Answer.—Yes.

The witness withdraws.

It being 4 o'clock, the Court adjourns till 11 A. M. to-morrow.

FOURTEENTH DAY'S PROCEEDINGS.

FRIDAY, FEBRUARY 12TH 1858.

The Court re-assembled this morning at 11 A. M. in the Hall of Special Audience in the Palace at Delhi.

The President, Members, Interpreter and Deputy Judge Advocate General are all present.

The Prisoner is brought into Court.

Mr. C. B. Saunders, Officiating Commissioner and Agent to the Lieutenant-Governor, is called into Court, and duly sworn.

EXAMINED BY JUDGE ADVOCATE.

Question.—Can you give the Court any information as to the circumstances under which the Kings of Delhi became subjects and pensioners of the British Government in India?

Answer.—Shah Alam, Emperor of Delhi, after having his eyes put out and having suffered every indignity from the hands of Ghulam Kadir, fell into the hands of the Mahrattas in the year 1788. The Emperor, although vested with nominal authority over the city of Delhi, was kept in confinement more or less rigorous, until the year 1803, when General Lake having seized Aligarh, marched with the British Troops against

Delhi. The Mahratta Army drawn out at Patpanganj, six miles from Delhi, was attacked by General Lake and utterly routed. The city and fort having been evacuated by the Mahrattas, the Emperor Shah Alam sent a message to General Lake, applying for the protection of the British Authorities, and on the 14th of September, the date since rendered more memorable by the successful assault in 1857, the British Troops entered Delhi: from that time the Kings of Delhi have become pensioned subjects of the British Government, and have exchanged the state of rigorous confinement in which they were held by the Mahrattas, to one of more lenient restraint under the British rule. The Prisoner succeeded to the titular sovereignty of Delhi in 1837. He had no power whatever beyond the precincts of his own palace; he had the power of conferring titles and dresses of honor upon his own immediate retainers, but was prohibited from exercising that power on any others. He and the heir apparent alone, were exempted from the jurisdiction of the Company's local courts; but were under the orders of the Supreme Government.

Question.—Was there any limit to the number of the Prisoner's armed retainers?

Answer.—The Prisoner requested Lord Auckland to be permitted to entertain as many men in his service as he thought proper. The Governor General, in reply, accorded permission to his entertaining as many men as he could pay out of the income allotted to him.

Question.—Can you state the amount of pension granted by the Government to the Prisoner at the time of the outbreak?

Answer.—He was in receipt of a stipend of one lakh of rupees per mensem, of which 99,000 Rupees were paid at Delhi, and 1,000 at Lucknow to the members of his family there. He also was in receipt of revenue to the amount of 1½ lakhs of Rupees per annum from the crown lands, in the neighbourhood of Delhi. He also received a considerable sum from ground-rents of houses and tenements in the city of Delhi.

The Prisoner declines to cross-examine.

The witness withdraws.

Major Paterson, of the 54th Native Infantry, is called into Court, and duly sworn.

EXAMINED BY JUDGE ADVOCATE.

Question.—Were you in Delhi on the 11th of last May?

Answer.—Yes.

Question.—Relate what you witnessed on that occasion?

Answer.—There was a parade on the morning of the 11th for the purpose of hearing some order read, and it passed off as usual without anything occurring to point suspicion of any outbreak being at hand; but about 9 o'clock the regiment was ordered to parade for the purpose of proceeding to the bridge of boats over the Jumna to prevent some mutineers of the 3rd Cavalry from crossing, it being then understood that these men were on their way from Meerut. Arriving on parade I was ordered by the late Colonel Ripley to take two companies, my own (the Grenadiers) and No. 1, for the purpose of escorting a couple of guns down. The Colonel directed me to proceed in the first instance to Captain De Teissier's house for orders, that being on the road down, and Captain DeTeissier told me to take my companies to the Sudder Bazar, and wait till the guns came. I was there for about three-quarters of an hour, and the guns not coming, I sent my subaltern, Lieutenant Vibart, to ascertain the reason of the delay, and to save time I proceeded with my two companies in direction of the bridge, thinking the guns would overtake me. Lieutenant Vibart rejoined me half way, saying that the native gunners were just turning out, but that the guns would now come up immediately. They joined me when I was 1½ miles from the bridge. On our arriving within about 100 yards of the Cashmere Gate, I was met by Captain Wallace, 74th Native Infantry, field officer of the week, who requested me to hasten in as fast as I could, as the cavalry mutineers had arrived and had shot down all the officers of the 54th Native Infantry. I immediately ordered the two companies to load, and while this was being done, Colonel Ripley came out of the Cashmere Gate, wounded in several places, and supported by the fife-major. I then marched on expecting to meet the mutineers, but there was not one to be seen,—not even a sepoy of the 8 companies of the 54th Native Infantry that had gone in advance with Colonel Ripley,—but merely the usual main guard of 50 men of the 38th Native Infantry under Lieutenant Proctor. Captain Wallace told me that these men of the 38th had seen Colonel Ripley cut down within a few yards of them by the cavalry troopers, and though he urged them to rescue him, not a man attempted to do so. The sepoys of the 54th must, of course, have behaved in an equally shameful manner. I saw the following officers lying dead in the open space to the west of the church, *viz.*, Captain Smith, Captain Burrows, Lieutenant Edwards and Lieutenant Waterfield, and also the Serjeant Major, all of the 54th Native Infantry. Having placed the guns in position and sentries at the different points, I proposed to Lieutenant Vibart that we should go and bring in the bodies of the officers; the sepoys of the companies advised us not to do so just yet, as the troopers were about and looking out for officers. The sepoys said they would do it, as they would not be touched: they did not, however, do so at this time. Shortly after this, we were joined by the Adjutant, Lieutenant Osborn, and Lieutenant Butler, who had been wounded by the city people. Ensign Angelo also joined us, and every thing at this time was perfectly quiet at the Cashmere Gate; but about 12, a sepoy of the Light Company came to me and said that the Havildar Major had sent him to ask where the regiment was to go I then enquired where it was, and he told me at Sabzi Mandi; that on the troopers shooting down the officers, the men had run away and assembled there. I directed him to go and order them up to the Cashmere Gate. They came up without any European officer, and the Havildar Major told me that they had been followed the whole way by some of the troopers who were inciting them to join in the mutiny. After this the officers, assisted by some of the sepoys, went and brought in the bodies above-mentioned. We were now joined by the 74th under Major Abbot, and also a couple of guns of Captain DeTeissier's battery. I think it was about this time, 2 P. M., that we heard heavy firing in the direction of the Magazine, which continued till about ½ past 3, when it was blown up. I forgot to mention that on my arrival at the Cashmere Gate, Mr. Galloway came and asked me to strengthen his guard at the treasury which I did. Lieutenant Willoughby joined us, having made his escape from the Magazine, when he told us how he and the few Europeans with him had defended it, and of the King having in the morning sent down men to take possession of it, and that this being refused, scaling ladders had been sent down at 2 o'clock, according to a threat given them. We remained at the Cashmere Gate till about 5 o'clock, when all of a sudden as I was standing near the outer Cashmere Gate, a volley was fired, which passed close in front of me, killing Captain Gordon and Lieutenant Revely, of the 74th, and wounding Lieutenant Osborn, of the 54th. A sepoy of the Light Company then put his arm on my shoulder and told me I had better go or I should be shot down, and seeing it was useless to remain, the sepoys of the 54th being no longer under control, I went out and was joined by an officer of the 74th. We were going down to the Flag Staff by the main road, but the sepoy of the Light Company (the only one who stood by me) recommended me going off the road through the several compounds, the main road not being safe. We did so, and on reaching the Flag Staff I reported to Brigadier Graves all that I had noticed. There were two guns and about 300 of the 38th Native Infantry at this time with Brigadier Graves, who, as far as I could perceive, were still obeying orders; but I was not there more than fifteen minutes when a retreat was determined on, the men of the 38th saying they would retreat with us wherever we went. They fell in, marched down the hill, took the road through cantonments; but on getting near their lines went off by ones and twos to their huts, and on my asking them what they were going to do, said they were going to drink water. They took off their arms and accoutrements, and in fact went off together. On seeing this I went to my own Quarter Guard. This was about ¼ past 7. I endeavoured to persuade the guard to come along with me, and remained talking to them for about half an hour, and at last the Havildar Major and two sepoys agreed to accompany me. We then started off, but lost our way during the night and found ourselves not more than four miles from Delhi in the morning. I remained three days in the vicinity of the Ice-pits, about three miles from the city. The Havildar and one of the sepoys left me the first morning under the pretence of bringing me food, the other left me the next day, and I finally made my escape, assisted by a fakir, to Karnaul.

Question.—From what you observed of your own men on the 11th of May, or any time immediately preceding it, do you think the sepoys of the 54th Native Infantry had been apprised of the coming of the mutineers from Meerut, before they were generally known to be near?

Answer.—Not from any thing that I observed on the 11th or previous to it; but I now am convinced, from their whole conduct on that day, as well as from information I have since received, that they knew generally what was going to occur. Lieutenant Vibart in September last told me that the Subadar Major of the Regiment, Shekh Imam Baksh, had stated to the late Captain Russell that men had been in our lines two months before the 11th of May, coming and going away and instigating the sepoys to rebellion. Captain Russell was killed at Badli-ka-Serai on the 8th of June last; the Subadar Major is, I beileve, still at Meerut, and it was there after the outbreak that I imagine Captain Russell got this information from him.

The Prisoner declines to cross-examine.

The witness withdraws.

Mukund Lal, Secretary to the Ex-King of Delhi, is called into Court and duly affirmed.

EXAMINED BY JUDGE ADVOCATE.

Question.—Do you know any thing concerning the origin of the late rebellion in the Native Army?

Answer.—The King of Delhi has for some two years been disaffected against the Government, and was disposed not to respect his obligations to the English. The particulars are as follows—When Mirza Haidar Shikoh and Mirza Murid, sons of Mirza Khan Baksh, son of Mirza Sulaiman Shikoh, came here from Lucknow, they in concert with Hasan Askari, arranged and suggested to the King that he should have a letter prepared and despatched to the King of Persia. This letter, they suggested, should represent that the English had made the King a prisoner, and had put a stop to all those marks of respect to which, as King, he was entitled, and had suspended the appointment of an heir-apparent. It was further to represent that his wishes in reference to the appointment of any particular son as heir-apparent were not attended to. Under these circumstances the letter was to request that such an understanding might be established that mutual interchanges of visits and letters might be the result. Sidi Kambar, who was one of the King's special armed retainers, was presented with Rupees 100, through Mahbub Ali Khan for the expenses of his journey, and was despatched in the direction of Persia, with a letter that had been prepared in the King's private secretariat office. After this Mirza Haidar and his brother returned to Lucknow, and having despatched his brother Mirza Najaf, a distant relation of the King, with Mirza Bulaki, son of Mirza Musharraf-ud-din, son of Mirza Agha Jan, to Persia, reported the same to the King in writing. It is now about three years since some infantry soldiers stationed at Delhi became the disciples of the King through Mirza Ali, whose duty it was to receive and present all petitions, and also through Hamid Khan Jemadar: and on that occasion the King gave each of them a document detailing the names and order of those who had preceded him in the direct line, disciples to each other, himself included, together with a napkin dyed pink as an emblem of his blessing. The Agent of the Lieutenant-Governor hearing of this occurrence, enquired regarding it, and for the future prohibited the King's making any more of the men of the army his disciples. It may be said that from that day a sort of understanding was established between the army and the King. Some twenty days before the commencement of the late rebellion, intelligence was received here, that the troops at Meerut was about breaking out in open mutiny, but it had not been heard that they were to come here. When the troopers arrived, they first came under the palace windows, and told the King that they had come to him after killing all the English at Meerut, and that they would slay immediately those that were here; and they further said that they would, for the future, consider the Prisoner their King, and that now there was not an Englishman left in all India,—all had been slain. They further said the whole army would obey the King's orders. The King said that if they had a disposition to come that they should prepare themselves for all consequences, and if they were so prepared, they were at liberty to come and take the management of matters into their hands. While this disturbance was going on, these traitors got into the city; the special armed retainers joined them, and Kadir Dad Khan, a resident of Cabul, slew the resident, Mr. Fraser, while some of the infantry soldiers, with others of the King's retainers, went to the apartments of the Commandant of the Palace Guards, and slew him there. After that, the English were killed all about the city wherever they were met with. The same day proclamation was made by beat of drum throughout the city, that God was the Ruler of the World, and that Bahadur Shah was Sovereign of the Country, and had the supreme authority. The next day, the 12th, when the troops from Meerut and those at Delhi had coalesced, the King took his seat on the throne, a salute of guns was fired, and Mahbub Ali Khan, the minister, was ordered to give the whole army a feast. Accordingly they were all supplied with confectionary, the native officers receiving in addition a present in money. Formerly a silver throne had been kept in the Hall of Special Audience, on which the King used to take his seat on special state occasions; but since the year 1842, the presentation of the usual offering by the Agent of the Lieutenant-Governor on occasion of interviews and salutes was disallowed. This throne was then removed and placed in a recess in the passage below the King's sitting-room, and since that time was in disuse till the 12th of May, when it was brought out again, and the King took his seat on it, as on a throne.

Question.—Before the 11th of May, were any proposals sent by the army to the King?

Answer.—I don't know whether any direct proposals came to the Prisoner, but the King's personal attendants sitting about the entrance to his private apartments, used to converse among themselves, and say that very soon, almost immediately, the army would revolt and come to the palace, when the government of the King would be re-established, and all the old servants would be greatly promoted and advanced in position and emoluments.

It being 4 o'clock the Court adjourns till 11 A. M. to-morrow.

FIFTEENTH DAY'S PROCEEDINGS.

SATURDAY, FEBRUARY 13TH 1858.

The Court re-assembled this day at 11 A M. in the Hall of Special Audience in the Palace at Delhi. The President, Members, Interpreter and Deputy Judge Advocate General are all present.

The Prisoner is brought into Court, attended by his attorney Ghulam Abbas.

Mukund Lal, the Ex-King's Secretary, is called into Court, and examined on his former affirmation.

EXAMINATION BY JUDGE ADVOCATE.—*(Continued.)*

Question.—Who were the personal attendants of the King who used to talk in this way?

Answer.—Basant Ali Khan, and the whole body of them.

Question.—How many days previous to the outbreak were they talking in this way?

Answer.—Four days.

Question.—According to your statement, it appears that Mirza Haidar Shikoh took part in the consultation relative to the correspondence with Persia; but it is known that the King complained against Mirza Haidar Shikoh for having calumniated him at Lucknow, how do you explain this?

Answer.—This was merely a deception adopted as a precaution against the chance of the true state of affairs coming to light, so that should such happen it might be brought forward as proof that there could be no combination, but on the contrary dissension between the two parties.

Question.—By whose orders were the ladies and children that were prisoners in the palace, murdered?

Answer.—These people were being collected for three days: on the fourth day, the infantry and cavalry soldiers, accompanied by Mirza Moghal, came to the entrance of the King's private apartments, and requested the King's permission to kill them. The King was at this time in his own apartments: Mirza Moghal and Basant Ali Khan went inside while the soldiery remained without; they returned in about 20 minutes, when Basant Ali Khan publicly and in a loud voice, proclaimed that the King had given his permission for the slaughter of the prisoners, and that they could take them away: accordingly the King's armed retainers in whose custody the prisoners had been, took them from the place of confinement, and in conjunction with some of the mutinous soldiery, killed them.

Question.—Do you know any thing further?

Answer.—After the fighting had commenced, whoever brought in the head of an European soldier, or officer, received a reward of two rupees.

Question.—On any occasion was any soldier or officer taken prisoner and brought in alive?

Answer.—No.

Question.—Previous to this outbreak, had the Mahomedans entered into any conspiracy or combination to bring about this insurrection?

Answer.—When the mutineers arrived here, the Mahomedans joined them at once:—is it not to be inferred from this that some combination must have previously existed between them?—but it was only the lower and not the higher orders that joined them.

Question.—Can you name any men among the higher classes of the Mahomedans that did not join in rebellion against the British Government?—the King and all the princes most certainly did so.

Answer.—My former answer was in allusion to the day of the outbreak, and not to any thing which occurred subsequently.

Question.—Who were the persons that were admitted to the private confidential conferences with the King?

Answer.—Mahbub Ali Khan, an eunuch and Prime Minister, Hasan Askari, the priest, Ziuat Mahall, the favorite queen, Nani Begam, the Prisoner's daughter, Agha Begam, another daughter of the Prisoner, and Ashraf-un-nissa, one of the King's wives, and when there was a necessity for any thing being written, it was done by the King's special secretariat office under the direction of the physician Ahsan Ulla Khan, and a person who was by caste a Kayasth, but had the same name as myself, *viz.*, Mukund Lal.

Question.—Persian papers Nos. 2, 3, and 4, arranged under the head of "*Murder*", are shown to witness, and he is asked if he recognizes the handwriting of them ?

Answer.—I do not. They may have been written in the new office set up by Subadar Bakht Khan : one of his writers, a moulavy, used to prepare the papers and bring them to have the King's seal affixed.

Question.—Were you never admitted to the private confidential conferences of the King ?

Answer.—No.

Question.—How then did you become aware of what you have related, in reference to the mission to Persia ?

Answer.—I used to remain in attendance on Mahbub Ali Khan, the Minister. I was a servant of the King, but was attached especially to the service of Mahbub Ali Khan, and used to hear some subjects of confidence from him.

Question.—Was it generally supposed in the palace that Hasan Askari had great influence with the King ?

Answer.—Yes, not only in the palace but throughout the city also, it was known that Hasan Askari the priest and Mahbub Ali Khan exercised the greatest influence over the King.

Question.—Was not one of the daughters of the King a disciple of Hasan Askari, and was either of the two you have mentioned as admitted to the confidential conference the one alluded to ?

Answer.—A daughter of the King's named Nawab Begam, the wife of Mirza Zaman Shah, had become a disciple of Hasan Askari, but she died 1½ years ago; the other two I have named did not professedly become his disciples, but they always avowed great faith in his sanctity.

Question.—Did the Prisoner on any occasion go out of the palace for the purpose of encouraging the troops to fight against the English ?

Answer.—Yes, two days after the assault, *viz.*, on the 16th September, he went in an open litter in the direction of the Magazine, at the head of the army; but had scarcely proceeded 200 yards beyond the palace, when he halted for an hour, and then returned, the army in the mean time dispersing.

Question.—Do you know what induced the Prisoner to halt after proceeding so short a distance, and to what was it generally attributed ?

Answer.—He had gone out with the army in order to dislodge the British from the city : when the troops became engaged, he stayed to encourage them.

Question.—Did the King habitually peruse the paper called the *Sadik-ul-Akhbar ?*

Answer.—I can't say as to his always reading it; but this paper and others used to come to him.

Question.—Was there more than usual agitation and excitement among the Mussulmans of Delhi against the British Rule some few months before the outbreak ?

Answer.—I don't know.

Question.—Were you in the habit of reading the *Authentic News* the *Sadik-ul Akhbar ?*

Answer.—No, I never read it.

The Prisoner declines to cross-examine.

EXAMINED BY COURT.

Question.—Were any persons of the Hindu faith admitted to the private confidential conferences of the Prisoner, except Mukund Lal Kayasth?

Answer.—No, no other Hindu was so trusted.

Question.—Are you aware whether any emissaries were despatched from Delhi, after the outbreak, to induce the native regiments that had not at that time revolted, to come and join the mutineers in Delhi?

Answer.—I don't know.

The witness withdraws.

Captain Tytler, of the 38th N. I., is called into Court, and duly sworn.

EXAMINED BY JUDGE ADVOCATE.

Question.—Were you in Delhi on the 10th of May last?

Answer.—Yes.

Question.—Did you on that day see or hear any carriage, such as is used for travelling post, go into the lines of your regiment, if so state all the circumstances?

Answer.—Yes, about 3 P. M. on Sunday the 10th of May, I heard a bugle and the sound of carriage wheels, pass my door. This being very unusual where I resided, I told a servant of mine to run out and see if any one was coming to my house. He went and returned immediately, and said it was a carriage with natives going towards the lines. My house being a corner one, the carriage was obliged to pass three sides of the grounds; so before it passed a second side, I directed the same servant to run to the lines, and give my salaam to the Subadar Major of the regiment, and say I wanted to see him, for it occurred to me that he and the other native officers of my regiment who had been to Meerut on court martial duty, must be returning in this carriage. The servant returned shortly afterwards, and said, there are a great number of natives in the carriage from Meerut, but none belonging to our regiment, by which I distinctly understood he alluded to soldiers.

Question.—What did you witness on the 11th of May?

Answer.—On the morning of the 11th of May, I think about 9 o'clock, one of my servants rushed into the room and said Lieutenant Holland had sent over to say that troops were marching on Delhi. I put on my uniform and went over to him. He joined me and we then went together to Lieutenant Gambier the Adjutant, where we met Colonel Knyvett, Commanding the regiment, Captain Gardner and the Brigade Major Captain Nicoll and I; then learnt that mutineers were marching from Meerut on to Delhi; and I was ordered to proceed at once to the lines, and take my own company along with Captain Gardner's. Completing them to the strength of 200 men, with the usual allowance of ammunition in pouch, I was then ordered to proceed to a house on the ridge above the new powder magazine, outside the city, and to be very particular that no body of men crossed over from the opposite side of the river. Captain Gardner and I went immediately to the lines; we found the men of our companies rather excited, and it was with some slight difficulty that we succeeded in completing each of our companies to 100 strong. A slight delay now took place in serving out the ammunition, and after sending repeatedly to the Magazine to ascertain the cause, I went myself, and the khalassies said "What can we do? the sepoys about here who have come for ammunition are "quarrelling and squabbling with us about the cartridges and caps, and we cannot give "either without counting them." I hurried the work and returned to the company. When the cartridges and caps were being served out, many of the men seized more bundles than they were entitled to, therefore to prevent further delay at the time, I had these men marked, that I might punish them afterwards. Captain Gardner also remarked to me that the men of his company showed the same anxiety to secure more ammunition than they were entitled to. The order was now given to the companies to march. Both Captain Gardner and myself remarked the excited manner in which the men left the lines, shouting vehemently every now and then, and which neither of us could prevent. I wish here to record a circumstance that occurred on the morning of the 11th, but which I have omitted mentioning. There was a Brigade parade that morning to hear the sentence of a General Court Martial read regarding a native officer, Ishwari Pandé, at Barrackpore, when I remarked a murmur of disapprobation throughout the whole regiment. Though it lasted but a few seconds, it struck me forcibly as something extraordinary, never having witnessed any thing like it before. When we arrived at the house over the Magazine, I placed sentries at different points which commanded the bend of the river. The rest of the men, after piling arms, I took into the house; it was a very hot day, and as some of our men had procured water melons and some sweetmeats, they brought them to us, and insisted on our partaking of them; both Captain Gardner and myself remarked the great attention our men were paying us. In the mean time, we were called out to see fires that were every now and then appearing in the city. Shortly after this, we heard a report of cannon. All this we could not account for. Captain Gardner remarked to me how lucky it was that our men seemed so well disposed, as we were convinced that there was something serious going on in the city, particularly as we remembered the fires that had broken out in Ambala and other places. We now remarked that our men were forming small groups in the heat of the sun. I ordered them to come in and not expose themselves thus. They said "We like being in the sun." I ordered them in again. When I went into one of the rooms, I remarked, for the first time, a native, from his appearance a soldier, haranguing the men of the companies, and saying that every power or government existed their allotted time, and that it was nothing extraordinary that that of the English had come to an end, according to what had been predicted in their native books. Before I could make a prisoner of him, the Magazine in the city exploded, and then the men of the two companies with a tremendous shout took up their arms and ran off to the city, exclaiming "*Prithivi Raj Ki Jai!*" or "*Victory* "*to the Sovereign of the World.*"

Question.—Did you notice any thing before the 10th of May, that led you to suppose that the sepoys of your regiment were disaffected?

Answer.—No.

Question.—Did any other circumstance come to your notice from which you might infer that a disturbance at Delhi had been expected before it broke out?

Answer.—Yes, one of my old servants, a man who had been about 26 years in our family, was about this time going on leave, and when I urged him particularly to return, he on several occasions, with a sorrowful expression, said "Yes, Sir, provided Your hearth is still in existence," that is, provided you and your family are in a condition to give me service. He made use of these expressions about a week or ten days before the outbreak. He left me about this time, and I have not seen or heard from him since.

The Prisoner declines to cross-examine.

The witness withdraws.

Serjeant Fleming, late bazar serjeant at Delhi, is called into Court, and duly sworn.

EXAMINED BY JUDGE ADVOCATE.

Question.—Was your son some time before the outbreak here in May last in the habit of riding and exercising the horses of the Prisoner's son, Jawan Bakht?

Answer.—Yes, he had done so for five or six years.

Question.—What was the age of your son?

Answer.—He was about 19.

Question.—A short time before the outbreak did he complain to you of any language used to him by the Prisoner's son Jawan Bakht?

Answer.—In the latter end of the month of April 1857, he came from Mr. Fraser's office, where he used to write, and told me that he had that day gone in the morning to the prime minister's house as usual, and had there seen the Prisoner's son, Jawan Bakht, who resided in that quarter, and that this Jawan Bakht had then told him that he was not to come again; that he did not like to see the face of an English infidel, and that before many days he would have them all killed and under his feet. Jawan Bakht then spit at him. My son told Mr. Fraser of it at the time, but Mr. Fraser replied that he was a fool, and was not to listen to such nonsense. After this,—as far as I recollect about the 2nd of May,—the prime minister sent for my son to pay him up, and on this occasion again, the Prisoner's son Jawan Bakht abused him still more, saying he would have his head off in a few days. This son of mine was killed in the place here during the rebellion. The Prisoner declines to cross-examine.

The witness withdraws.

The Court, at ½ past 3 P. M., adjourns till Tuesday, the 23rd of February, to allow of other witnesses being sent for, and enable the Interpreter to translate certain requisite papers.

SIXTEENTH DAY'S PROCEEDINGS.

TUESDAY, FEBRUARY 23RD 1858.

The Court re-assembled this morning at 11 A. M. in the Hall of Special Audience in the Palace at Delhi.

The President, Members, Interpreter and Deputy Judge Advocate General are all present.

The Prisoner is brought into Court attended by his attorney Ghulam Abbas.

Captain Martineau, of the 10th Native Infantry, is called into Court, and duly sworn.

EXAMINED BY JUDGE ADVOCATE.

Question.—Were you at Ambala from January till May 1857, as Instructor of Musquetry at the Depôt there?

Answer.—Yes, I was.

Question.—Did a detachment of sepoys from every native regiment in India attend at this depôt for the purpose of receiving instruction in musquetry?

Answer.—Not from every native regiment, but five men from 44 of the native regiments attended.

Question.—Had you any conversation with these men relative to some chapaties that were circulated to different villages in these districts before the outbreak?

Answer.—Yes, I had frequent conversations with various sepoys on this subject. I asked them what they understood in reference to them, and by whom they supposed that they were circulated: they described them to me as being in size and shape like ship biscuits, and believed them to have been distributed by order of Government through the medium of their servants for the purpose of intimating to the people of Hindustan that they should be all compelled to eat the same food; and that was considered as a token, that they would likewise be compelled to embrace one faith, or as they termed it, "One food and one faith."

Question.—As far as you could understand, was this idea generally prevalent among all the sepoys of the various detachments at the depôt?

Answer.—It was prevalent, as far as I could judge, among all the sepoys of every regiment that furnished a detachment to the depôt at Ambala.

Question.—Was there any report of the government having mixed ground bones with flour for the purpose of having it distributed to the sepoys, and so destroying their caste ?

Answer.—Yes, I first heard of this in the month of March. It was told me that all the flour retailed from the Government depôts for the supply of troops on the march was so adulterated.

Question.—Do you think the sepoys generally firmly believed in this ?

Answer.—I have seen correspondence from various men which the sepoys of the depôt voluntarily placed in my hands, the writers of which, themselves sepoys, evidently believed that such was the case.

Question.—Did the sepoys ever speak to you about any other cause of complaint or points on which they sought information ?

Answer.—Their complaint or rather fear was this. They apprehended that Government was going forcibly to deprive them of their caste.

Question.—Did any of them ever speak about Government interference regarding the re-marriage of Hindu Widows ?

Answer.—Yes, they alluded to that as an invasion of their social rights.

Question.—Did any of them ever refer to the annexation of Oudh, as a measure indicating that Government wished to annihilate all the Native Independent States ?

Answer.—At Ambala the subject was occasionally alluded to, as if it were not agreeable to them ; but subsequently at Karnaul some troopers of the 3rd Cavalry about a week after the mutiny, on my speaking to them about the revolt of their comrades, said to me—" You have conquered and absorbed every thing in Hindustan, you have no more " foreign countries to take, and now you have determined upon a crusade against our " religion and our faith." I was on duty as commissariat officer at Karnaul at this time, and the men of the 3rd Cavalry to whom I am alluding, were those that have remained faithful.

Question.—Did you ever hear any of the sepoys speak complainingly of the efforts of English missionaries to convert natives to Christianity ?

Answer.—No, never in my life ; I don't think they cared one bit about it.

Question.—Were the cartridges which the sepoys were called on to use at the depôt at Ambala in any way greased ?

Answer.—No, not as issued from the Magazines. They were not allowed to touch any that had been greased previous to distribution; they greased their own cartridges with a composition of *ghi*, that is, clarified butter, and bee's wax; these materials they themselves purchased from natives, whenever they pleased to get them.

Question.—Did you observe any difference in making complaints about forcible deprivation of their religion between the Hindus and Mussulmans ?

Answer.—Yes, as far as the cartridge question went the Mahomedan Sepoys laughed at it; it was only the Hindus that made the complaints in reference to losing caste ; but in regard to those who spoke of the annexation of Oudh as a grievance, I can't say whether they were Mahomedans or not.

The Prisoner declines to cross-examine.

EXAMINED BY COURT.

Question.—Did you observe any thing peculiar in the conduct of the sepoys under your command previous to the outbreak, or any intimation of what was about to take place ?

Answer.—Yes, they told me in plain language that there would be an outbreak ; and there was every evidence of it in nightly fires at Ambala. The first fire commenced on the very day we fired the first Enfield cartridge, and continued nearly nightly, up to the 10th of May. We commenced using the Enfield cartridges on the 17th of April; the men themselves remarked, that although Government offered large rewards to any one who would give information of the incendiaries, yet no one was found to do so; and that this was a certain sign of general dissatisfaction and some impending outbreak. I made a public report to the above effect to Army Head Quarters then present at Ambala, and I also made a private representation of the same kind to Captain Septimus Becher, Assistant Adjutant General of the Army.

The witness withdraws.

Mrs. Fleming, wife of Serjeant Fleming, is called into Court, and duly sworn.

EXAMINED BY JUDGE ADVOCATE.

Question.—In the end of April last were you in the house of Zinat Mahall, the Prisoner's wife, and did you there see his son Jawan Bakht?

Answer.—Yes.

Question.—Relate what passed on that occasion?

Answer.—I was sitting down with his sister-in-law, and Jawan Bakht was standing by with his wife. My own daughter Mrs Scully was also present. I was talking with Jawan Bakht's sister-in-law, when Mrs. Scully said to me, "Mother, do you hear what this young "rascal is saying; he is telling me that in a short time he will have all the infidel English "under his feet, and after that he will kill the Hindus." Hearing this I turned round to Jawan Bakht, and asked him—"What is that you are saying?" He replied that he was only joking. I said if what you threaten were to be the case, your head would be taken off first. He told me that the Persians were coming to Delhi, and that when they did so, we, that is myself and daughter, should go to him, and he would save us. After this he left us. I think this must have occurred about the middle of April 1857.

The Prisoner declines to cross-examine.

The witness with draws.

Copies of Newspapers written by Chuni Lal, news-writer, from the 11th to the 20th of May (both dates inclusive) having been seized in his house, are here read in original, and the translation of them is also read and entered as follows:—

NARRATIVE of occurrences in Delhi, from 11th to 20th May 1857, both dates inclusive, in the form of a Diary, by Chuni Lal, news-writer.

Some time during the night of the 10th May 1857, Mr. Fraser received a letter from Meerut, intimating the mutinous conduct of the infantry and cavalry there; but he did not make any arrangements then. In the morning, intelligence arrived that the 3rd cavalry and two regiments of native infantry had had a fight at Meerut on account of the cartridges, and were coming to Delhi, when Mr. Fraser immediately directed the trooper in attendance as his orderly, to call the Agent of the Jhajjar Nawab. Sir Theophilus Metcalfe at the same time came into the city, and directed the chief police officer to place guards of the constabulary force at the gates and to have them closed: the police officer carried out these orders immediately. Mr. Fraser also came into the city in his buggy, accompanied by the troopers of the Jhajjar cavalry, constituting his personal guard. It was now ascertained that some cavalry men had arrived at the bridge, and had murdered the toll-collector, setting fire to his house. One of these troopers was very insolent to the Commandant of the Palace Guards, and fired a pistol at him, but without effect. The troopers above referred to collected under the palace windows, and telling the King they had come to fight for the faith, requested him to have the gate at this point opened for them. The King immediately sent word to the Commandant of the Palace Guards that some troopers had come from Meerut, and were bent on causing a disturbance. On receiving this message, Captain Douglas at once came to the King, and addressing the troopers told them they were offending, and directed them to go away: they replied they would settle with him. Mr. Fraser in the mean time came to the Cashmere Gate and reasoned with the guard there, telling them they had been nurtured in the service of the East India Company; that some mutinous troops had come from Meerut, and that he required them to assist him in making arrangements. They, however, refused, saying that had an *enemy* come against him they would have had no objection to do as they were ordered. Mr. Fraser then, accompanied by some gentlemen, went to the Calcutta Gate, and made such arrangements there as were necessary. Jowala Singh, Mr. Fraser's personal Jemadar, now urged him to leave the city, telling him that all the Mahomedans were disposed for a revolt. Mr. Fraser replied that he would not do any thing of the kind. About this time all the shops in the city were closed. The Reverend Mr. Jennings and another gentleman were watching the troopers coming from Meerut with a glass, from one of the turrets of the apartments occupied by the Commandant of the Palace Guards. Captain Douglas getting into his buggy joined Mr. Fraser at the Calcutta Gate, and taking a letter out of his pocket gave it to him to read. Mr. Fraser then told the troopers of his personal guard to remain in a state of preparation. The Mahomedans of the Thanbi-Bazar went to the Rajghat, and having made a solemn compact with the mutineers, opened the gate and allowed them to come in, when they immediately commenced firing the houses and killing the Europeans. Having killed the Europeans who resided in Daryá Ganj, and set fire to their houses, they murdered Chaman Lal, the native doctor, as he was standing in front of the dispensary. The Mahomedans of the city now told the troopers that Mr. Fraser was at the Calcutta Gate. They immediately went thither, and fired their carbines and pistols at the gentlemen who had collected there, and killed two of them. Mr. Fraser's mounted guard, being Mussulmans, made no defence; but Mr. Fraser taking a carbine from one of the guard in question wounded one of the mutinous cavalry men. Mr. Fraser and Captain Douglas then retreated to the palace in a buggy. The latter went up to his apartments over the gate, and the former was about ascending the stair when he was attacked by some of the mutinous cavalry, seconded by the armed retainers of the King, and killed on the second step. His murderers now rushed up to the apartments above, where they killed Captain Douglas, the Reverend Mr. Jennings, and his daughter, and another gentleman. At this time the Mahomedans of the palace and city were going about, plundering the apartments of the Commandant of the Palace Guards, and the houses of the Europeans residing in the city. Sir Theophilus Metcalfe, mounted on a horse, and having a drawn sword in his hand, was pursued by the mutinous cavalry as far as the Chandni Bazar, and got away out of the city by the Ajmir Gate, notwithstanding that the saddlers living there turned out with bludgeons to prevent his escape. The three infantry regiments of Delhi joined the mutineers, and murdering a number of their officers, came into the city. The whole mutineers then killed all the Europeans, male and female, whom they could find concealed in Daryá Ganj, about the Cashmere Gate, and in Major Skinner's house. After this, joined by the Mussulmans and some Hindus of the city, they destroyed the chief and the twelve subordinate police stations, and broke all the street lamps. The chief police officer hid himself; but his assistant made his escape after being wounded. When the mutineers and rebels attacked the bank, two gentlemen and three ladies with two children took refuge on the roof; one of the mutineers climbed a tree, and was shot by one of the gentlemen. The mutineers then set fire to the bank. The cavalrymen after this, rode away; but the Mussulmans remained and killed the gentlemen and ladies with bludgeons. The Mahomedans continued going about with the mutineers, shouting cheers for the success of their religion. The Rajah of Ballabhgurh had gone to visit one of the railway officers, and returned about 10 o'clock. The three infantry regiments of Delhi plundered the treasury, and shared the money amongst themselves, and having plundered also the civil and judicial courts and the college, set fire to the buildings. The cavalry went to the cantonments and fired all the houses there. Having accomplished all this, the regiment of cavalry and two regiments of infantry which had come from Meerut, together with the three that had been stationed at Delhi, waited on the King, and requested his support and countenance, promising to establish his rule throughout the whole country. The King replied that he cherished a hearty disposition to show them every favor and kindness, and directed them to take up their quarters in Salimgarh, remarking at the same time that all the streets and bazars had been closed, and suggesting that plunder and robbery should be prevented. The cavalry and infantry hearing that some Europeans with their wives had gone into the Magazine, brought two guns from Daryá Ganj, and loading them with stones, fired them at the gates, the Europeans within returning the fire from several pieces with grape. Subsequently the Magazine blew up when several of the men of the city were killed, and many of the houses in the neighbourhood destroyed. The Europeans, men and women, who had been in the Magazine, fled in the direction of the river. They were, however, pursued by the cavalry and killed. Three serjeants and two women were brought prisoners to the King. One of the serjeants begged the King's protection for himself and fellow-prisoners, saying that otherwise they would be killed by the mutineers, and the King had them placed in the House of Devotion. At about an hour before sunset Rajah Nahar Singh, taking his wife, his brother, and his brother-in-law, ahd Mr. Munro in disguise, left for Ballabhgurh. The infantry mutineers attacked the house of Saligram the treasurer, but were unable to force its massive gates till midnight, when they made an entrance, and in conjunction with the Mahomedans of the city, plundered the place of all the property it contained. Some serjeants were taking away two guns from the cantonments, but the cavalry came up with them and brought the guns back. There was a salute of 21 guns fired under the palace, and all night, throughout the city, the greatest uneasiness and tumult continued to prevail in consequence of the plunder, pillage and burning of houses.

Tuesday, 12th March 1857.—The King came into the Hall of Special Audience, where the chiefs paid their respects. The Subadars of the 54th Regiment waited on the King, and begged that some person might be appointed to arrange for the daily supplies. Ramsahay Mall and Dilwani Mall were accordingly to provide 500 rupees worth of meal, pulse and gram, &c., daily, and to have them conveyed to the regiments. Four European gentlemen were concealed in the house of Muhammad Ibrahim, son of Ali Muhammad, merchant. The troopers hearing this went there, and killing the Europeans, plundered the house. A European woman dressed as a native, was going along near the Ellenborough Tank, and was killed by the troopers. The infantry soldiers forcibly entered and plundered the shops of the confectioners in all the streets of the city. On hearing this the King appointed Mirza Manir-ud-din Khan, formerly police officer of Paharganj, to the governorship of the city, and sent him to the chief police office with a regiment of infantry, directing him to make arrangements to prevent plunder and pillage. The Mirza represented that the soldiery were then engaged plundering the Churi Bazar. On this the King sent for the subadars of all the infantry regiments, and directed them to place one regiment at the Delhi gate of the city, and one under the palace windows, one company each at the Ajmir, Lahore, Farash Khana, Cashmere and other gates, and one company in the Daryá Bazar, saying that he did not approve of his subjects being plundered. After this the infantry and cavalry made an attack on the Nagar-Seth street, with the view of plundering it. The inhabitants closed the gates and attacked the soldiery with brick bats, and drove them off. Several clerks with their wives had taken refuge in the house known as that of Rajah Kalyan Singh, of Kishan Garh. The troopers went and attacked them with carbines and pistols. The Europeans defended themselves with their fire-arms. The troopers then brought two pieces of artillery against them, when the clerks, with their wives, retired to an apartment under ground, and the troopers came away. The King directed Mirza Moghal to take a company of infantry, and adopt steps to prevent the plunder in the city. Mirza Moghal accordingly went to the principal police stations, seated on an elephant, and had proclamation made that every individual convicted of plunder would be punished with the loss of nose and ears, and all shop-keepers not opening their shops, and refusing to supply the soldiers, would be fined and imprisoned. Her Excellency the Queen Taj Mahall was released from confinement. Two European gentlemen going along in the disguise of natives, were killed by the troopers in front of the chief police station. The King seated on an elephant, with Jawan Bakht in the hind seat, and accompanied by two regiments of infantry and some guns, went in state to have the shops of the principal streets of the city opened, directed the shopkeepers to resume their occupations, and supply the army with necessaries, and then returned to the palace. Hasan Ali now obtained a presentation through Ahsan Ulla Khan. He submitted an offering of one gold mohur, and was directed to remain in attendance, the King remarking that he wished to have a conference with him. The King bestowed a dress of honor on Mirza Manir-ud-din Khan on his appointment to the governorship of Delhi. The Mirza presented 4 Rupees as earnest of his thankfulness.

Wednesday, 13th May 1857.—The King came to his House of Devotion: Nawab Mahbub Ali Khan, and other chiefs paid their respects. The chamberlain, Hasan Mirza, was ordered to bring Mirza Amir-ud-din Khan. The chamberlain returned and reported that the Mirza was unwell, and was in consequence unable to attend. Mirza Manir-ud-din Khan, chief police officer, was told that the necessaries of food were not supplied to the army, and was directed to make arrangements. Hasan Ali Khan being in attendance, the King said to him, "The army has collected in the palace, what is to be done?" The said Khan replied that these soldiers were murderers who had killed their masters, and that they could not with prudence be trusted. Shah Nizam-ud-din, a descendant of the priests, and Budhan Sahib, son of Nawab Muhammad Khan, deceased, were ordered to join in the deliberative conferences. Mirza Moghal, Mirza Khair Sultan, Mirza Abdulla, &c., were appointed Colonels of regiments of infantry, and were directed to proceed severally with two guns each to the Cashmere, Lahore and Delhi gates to preserve order. Shah Nizam-ud-din represented that the cavalry had seized Nawab Mir Hamid Ali Khan at his house, and had brought him on foot to the jewel room to the physician Ahsan Ulla Khan, on the plea that the said Mir had concealed some Englishmen in his house, although the Mir affirmed that he was ready to acknowledge himself an offender if any Europeans should be discovered so concealed. On this the King directed Shah Nizam-ud-din to go with the cavalry and infantry, and allow Mir Hamid Ali Khan's house to be searched. Shah Nizam-ud-din and Mirza Abulbakr accordingly went and made a search, and no Englishmen or Eurasians being found there they had the property restored which had been plundered by the cavalry and infantry, the said Mir being at the same time released. Mirza Abulbakr was appointed Colonel of the cavalry regiment. Intelligence was brought that 29 persons, clerks, women, and children, were concealed in the house of Raja Kalyan Singh of Kishangarh, and the cavalry and infantry going and making them prisoners, shot them with volleys of musketry. Some cavalry men went to the house of Colonel Skinner, seized and brought away the son of Mr. Joseph Skinner, and killed him in front of the chief police station. Instigated by some person, the cavalry and infantry went to the houses of Narayan Das and Ram Charan Das, Deputy Collector, and alleging that Europeans were concealed there, plundered them of all their property. Kazi Pannu and his son were killed by some of the infantry soldiers. Two English gentlemen dressed as natives were going out by the Badarrau Gate, and were killed by some cavalry men. The King presented all the regiments with 400 rupees each for their expenses. Mirza Manir-ud-din, chief police officer, had it publicly proclaimed that all such persons as wished to take service should come forward, bringing their own arms, and that all those in whose houses Europeans should be found, would be dealt with as offenders. Nawab Ahmad Ali Khan and Walidad Khan of Malagurh attended agreeably to summons, and paid their respects, and were ordered to attend Court daily. The King summoned the principal grain dealers, and ordered them to regulate the rates, and to open their granaries, and to commence selling the grain in the market. Mirza Manir-ud-din Khan having entertained some two hundred men has placed them in the Daryá, the principal street, and other parts of the city for the preservation of the peace. Two water carriers who stole some butter from a shop-keeper in the street, called the Lal Kunwa, were taken up. Kuli Khan, and Safaraz Khan, two notorious bad characters, as well as some men accused of having committed acts of plunder in Teliwara and Sabzi Mandi, were also apprehended.

Thursday, 14*th May* 1857.—The King came from his private apartments into the Hall of Devotion. The chamberlain Hasan Mirza, Captain Dildar Ali Khan, and Hasan Ali Khan, and according to summons, Mirza Manir-ud-din Khan, Mirza Zia-ud-din Khan and Moulavy Sadr-ud-din Khan were in attendance, and paid their respects. The Moulavy presented one gold mohur. The King told him to conduct the duties of the civil and judicial courts. The Moulavy, however, requested that he might be excused. After this the treasurer Saligram attended according to orders and presented one gold mohur. The King enquired what amount of money there was in the principal treasury. He replied he did not know. The King then directed him to send an agent of his to the treasurer. The treasurer said he would do so. Rahmat Ali Khan was introduced by Hasan Ali Khan, and presented one gold mohur. The King asked who he was, and was informed that he was the son of Nawab Faiz Muhammad Khan, and nephew of Hasan Ali Khan, who had presented him. Muhammad Ali Khan, son of Sar Jang Khan, presented one gold mohur. The King inquired who he was, and was informed he was the nephew of Bahadur Jang Khan, the Chief of Dadri.

The confidential agent of the Chief of Sanowt presented himself and submitted that the chief was unwell, and had therefore been unable to come to Court, and intended going to Jaipur. An order was accordingly written to the address of Raja Ram Singh, Ruler of Jaipur, directing his early attendance at Court with his army, and the confidential agent above said, declared he would leave for Jaipur immediately. After this orders were respectively issued in writing to Nawab Abdul Rahman Khan of Jhajjar, Bahadur Jang Khan of Dadri, Akhbar Ali Khan of Pantadih, Raja Nahar Singh of Ballabhgarh, Hasan Ali Khan of Dojauna, and Nawab Ahmad Ali Khan of Farokhnagar, directing their attendance at Court. Orders were also issued to Mirza Amin-ud-din Khan and Mirza Zia-ud-din Khan to look after the management of the district of Jhirka Firozpur, and that of Gurgaon, which was lying unoccupied. Intelligence was received that the Goojurs of Chand Rawal were every night plundering the shops in Sabzi Mandi, Teliwara, Rajpur, Mandersa, &c., and Mirza Moghal was ordered to suppress these evil practices of the said Goojurs. Mirza Abulbakr accordingly went to the village in question with his regiment of cavalry, and had it plundered and burnt. Bahadur Singh, superintendent of the landed property belonging to the Lucknow State, presented an offering of one gold-mohur. A European soldier who came as a spy from Ambala was seized and brought before the King, and was by him ordered to be sent to the jail. A European woman was likewise brought, and she also was sent to the jail. Some subadars and infantry soldiers, having their shoes on, came and stood on the carpets, and the King reprehended their conduct with anger and displeasure. An order was issued to Manir-ud-din Khan, chief police officer, to take the 38th Regiment Native Infantry, and to proceed to the Delhi Cantonments, and to make arrangements to prevent the depredations being committed there, in Sabzi Mandi, Pahari Durrung and other places. Four men coming from Meerut told the soldiery that European troops were on their way from that station for their extermination. The soldiery were not pleased at this intelligence, and placed the four men in question in arrest. The police officer of the Nigambodh section was ordered to have the corpses of Mr. Fraser and Captain Douglas buried in the graveyard, and those of the European men and women thrown into the river. This order was accordingly carried into effect. The Goojurs have plundered and carried away all the furniture of Mr. Fraser's house, and have torn up the whole of the records of the Commissionership, and of the Agency to the Lieutenant-Governor.

Friday, 15th May 1857.—The King was in his private apartments, and Moulavy Abdul Kadir submitted a list he had prepared of the pay of the troops. His Majesty bestowed a pair of shawls on the Moulavy on account of his appointment to the situation of assistant to Nawab Mahbub Ali Khan. The Moulavy then went home seated on an elephant. The Agent of the Chief Sheo Singh of Samnowt presented a bottle of the extract of the *Pandonus Adoratissumus*, and a phial of essential oil, on the part of his client, and received a written order to the address of the Rajah of Jaipur directing his attendance. Ghulam Nabi Khan, superintendent of the Kaulah Mahall, accompanied by Mir Akhbar Ali, trooper, who used to remain in attendance on Mr. Fraser, came into the royal presence and stated that 50 horsemen who had been sent by the Nawab of Jhajjar were in attendance, but that the Nawab himself had not been able to come in consequence of the unsettled and disturbed state of his territory. Moulavy Ahmad Ali attended on the part of Rajah Nahar Singh of Ballabhgarh, and presented an offering of one rupee, together with a petition in which the Rajah submitted that he was unable to present himself at Court in consequence of the plunder and violence the Goojurs were carrying on; but that he will attend the Royal presence after making provision for the suppression of these evils. Orders were issued for his early attendance. Intelligence was received that the magistrate of Rohtak had ran away, and that that treasury, it was likely, would soon be plundered. It was also reported that the Gurgaon treasury had been plundered. On hearing this, the King ordered that one regiment of infantry and some troopers should go and bring away the money in the Rohtak treasury. Orders were issued to Abdul Karim to enlist four hundred foot soldiers and one regiment of cavalry, the pay of each foot soldier to be five, and that of each trooper 20 rupees per mensem; about 200 men have accordingly been entertained. The printer Abdul Kadir presented some papers for the King's inspection, and said he would make every arrangement. An order was issued by the King to the officers of the cavalry, intimating that Mirza Abulbakr had been dismissed from the command of their corps, and that they would remain under the orders of the King. Kazi Faiz Ulla came before the King and presented an offering of 5 rupees, and a petition requesting he might be appointed chief police officer of the city, and his request was granted. A goldsmith killed a man of the same trade against whom he had an enmity and was apprehended. The Mewatis of Jaisinghpura had plundered the house of the railway officer of 4000 rupees in cash, and other property. The cavalry and infantry were accordingly arranging to go and seize the Mewatis, and to destroy Jaisinghpura, when the confidential agent of Lalla Budh Singh, the agent of the Rajah of Jaipur, presented a petition claiming the King's protection for the population of Jaisinghpura. An order was passed on this petition that no soldier of the cavalry or infantry was to be permitted to go to Jaisinghpura without the King's orders. Information was submitted that the soldiers of the cavalry and infantry, as a practice, patrolled the bazars, streets and lanes of the city with drawn swords, and that the shops in the bazars were not opened in consequence of the dread this inspired. Hearing this, the King sent orders to the gates of the palace, enjoining that no person should go about the city with a drawn sword. An order was issued to the Commandant of the Jhajjar cavalry to take up his quarters in the Mahtab garden. It was reported that 14 boats laden with wheat and other grains, belonging to Ramjidas Gurwalla, had arrived in the morning, and an order was thereupon issued to Dilwani Mall, appointed to arrange for supplies, to have the cargo of the said boats landed and to bring it away. Two infantry soldiers had secured 200 rupees and lodged the money with the firm of Ramjidas Gurwalla, arranging that they should receive it in Lucknow. The two soldiers, however, happened to have a disagreement when the matter transpired, and a company immediately went to the house of the banker, who at once gave up the money. An order was issued to the merchants of the city directing their attendance. The cavalry and infantry, after a consultation amongst themselves, came to the Hall of Special Audience, and complained that they did not get their allowances of pay and clothing, and stated their conviction that the physician Ahsan Ulla Khan, and Mahbub Ali Khan were in collusion with the British. The troopers and infantry then went off to the house known as the Haveli Lal Kumu, and accused the priest Shah Nizam-ud-din, of having two European ladies concealed in his residence. Shah Nizam-ud-din replied that he should be confronted with their informant, and the troopers presented some man who was a resident of Rampoor, and who said his story had been hearsay. Shah Nizam-ud-din now told the troopers that they should be at liberty to plunder his house and kill him if they should discover any European women there; but if their real object, whether or not, in this false accusation was to do so, of course they had the power. In reply to this the troopers had nothing to say. Mahbub Ali Khan made oath on the Kuran that he was not in collusion with the British. The soldiery plundered and carried away all the property from the house of Agha Muhammad Khan.

Saturday, 16*th May* 1857.—The King came into the Hall of Special Audience and held a Court. The physician Ahsan Ulla Khan, the pay master Agha Sultan, Captain Dildar Ali Khan, Rahmat Ali Khan and other chiefs attended and paid their respects. The troopers and infantry soldiers, accompanied by their officers, attended and presented a letter bearing the seals of the physician Ahsan Ulla Khan and Nawab Mahbub Ali Khan, which they said they had intercepted at the Delhi gate of the city, and complained that the physician and Nawab had sent this letter to the English, inviting them to come into the city immediately, and promising that provided the English should agree to acknowledge Mirza Jawan Bakht, the son of the King by the Queen Ziuat Mahall, as heir-apparent, they would on their part engage to seize and make over all the soldiery now in Delhi. This document was shown to Ahsan Ulla Khan and Nawab Mahbub Ali Khan, who declared it was a forgery, got up by some person, and the impressions on it were from counterfeit seals of gypsum, and they took off their signet rings and threw them before the soldiers. They further swore by the Kuran that the seals on the paper were not theirs, and that the document was a forgery. However, the soldiers would not believe their asseverations. Some persons told the troopers that a number of Europeans were concealed in one of the covered drains of the canal. Hearing this, Mirza Abulbakr, accompanied by the troopers, went to the place indicated, and jumping into the drain, discharged his pistol in it; but no Europeans were discovered. After this the men of the cavalry and infantry drew their swords and surrounded the physician Ahsan Ulla Khan, declaring their firm belief that he maintained an understanding with the English. They agreed that it was on that account that he kept the European prisoners, intending that when the English came, he might make them over, and would have the soldiers killed. The matter ended in their taking the Europeans, men, women and children, 52 in number, from the jail, where they were confined, to the reservoir near the music gallery with the intent to kill them there. The Prince Mirza Majhli attempted to remonstrate, urging that the slaughter of women was not legal according to the Mahomedan law. The troopers on this resolved to kill the said Mirza, but he ran away and so escaped. They then made the prisoners sit down, and one of them fired his carbine at them. The bullet wounded one of the King's armed retainers. After this, two of the King's personal armed retainers killed the whole of the Europeans, men, women and children, with their swords. There were about 200 Mussulmans standing at the reservoir, uttering the coarsest abuse against the prisoners. The sword of one of the King's armed retainers broke. After the slaughter the bodies were laden on two carts, and thrown into the river. This occurrence caused a great excitement amongst the Hindus throughout the city, who said that these Purbeas who had committed this heinous and atrocious cruelty could never be victorious against the English. The companies at the gates were relieved. Some one informed the troopers that some Europeans were concealed in the house of the treasurer, Mathura Das, and in the street known as the Chowdhary-Ka-Kuncha. They accordingly made a search, but returned without finding any. The troopers did not aggrieve any one on this occasion. An order was written to Walidad Khan, of Malagarh, noticing the anarchy prevailing on the eastern side of the Jumna, caused by the lawless conduct of the Goojurs, and directing him to go and take steps to suppress it. Two weavers in the disguise of infantry soldiers were engaged plundering in the city and were apprehended. The shop-keepers of the Lahore Gate submitted a complaint that Kashi Nath, police officer of their section of the town, was demanding a bribe of 1,000 Rupees from them, holding out the threat that if they did not give him the money, he would send them as prisoners to the chief police station. The physician Ahsan Ulla Khan accordingly sent an order to Kazi Faiz Ulla to place the said police officer under arrest.

Sunday, 17th May 1857.—The King was in his private apartments: the men of the cavalry and infantry, accompanied by their officers, submitted that they had fortified Salimgarh, and that they trusted His Majesty would go there and inspect what had been done. The King accordingly went in an open litter, saw how the guns had been placed in position, and then returned, assuring the soldiers that he was associated with them in a common cause, desiring them to place every confidence in the physician Ahsan Ulla Khan, Mahbub Ali Khan, and the Queen Zinat Mahall, and telling them he would slay with his own hands any Europeans they might seize and bring to him. On hearing this the troops were convinced, and the physician Ahsan Ulla Khan was fully exculpated. A man was seized at the bridge with a letter he was bringing from some European at Meerut. The infantry soldiers tied him to a gun, and let him remain there. The mutineers had taken up their quarters in the Hall of Special Audience, whence they have been made to remove, and the hall has been done up anew with carpets, hangings, &c. Mirza Amin-ud-din Khan and Mirza Zia-ud-din Khan attended agreeably to summons, and paid their respects. Being ordered to attend Court daily, they pleaded sickness. The King then directed them to raise troops, saying that large dominions should be conferred on them, and they replied, they would do so. After this Iradat Khan and Mir Khan, brothers of Nawab Mustafá Khan of Jahangirabad, Akhbar Khan and others attended and presented offerings of two rupees each. The disposal of the colonelcies of the infantry regiments was next considered. A trooper arrived from Garhi Harsaru, and reported that several lakhs of rupees, being revenue of the Gurgaon district, was on its way to Delhi escorted by a company of infantry and some troopers, and that near 300 Mewatis and Goojurs of that part of the country had made an attack upon this treasure, and that a fight was going on. On this intelligence Moulavy Muhammad Bakar, of the press, was directed to go out immediately with two companies of infantry and one troop of cavalry in order to oppose the Goojurs and to bring the treasure in safety. The infantry soldiers beat a sweeper in the service of Mirza Moghal very severely, on the imputation of being a spy. They, however, released him on Mirza Moghal's orders. A report was made that some of the Mewatis of Jaisinghpura who had plundered the house of the railway superintendent had been wounded: it was ascertained that these men had been in the service of the English. The landholders of the village of Nadhowli attended, and presenting a rupee each, made professions of their loyalty and allegiance. The King told them to keep up a proper management in their village, failing which they would be expatriated. Two of the King's messengers who had been sent for intelligence, returned from Meerut and reported that about 1,000 European soldiers, with some other English, men, women and children, were collected there in the Sudder Bazar, and that they had erected fortifications on the Suraj Kund on which they had mounted guns drawn by elephants. They further represented that the Goojurs were committing highway robberies all along the road from Meerut to Salimpur, and had maltreated them also. The King had accordingly two companies of infantry stationed at the bridge over the Jumna. The physician Abdul Hak attended and presented five rupees. Five companies of the Sappers and Miners, had come to Meerut from Roorkee. The Europeans required them to remain and perform duties there. To this the men objected, and the English attacked them in consequence. Many men were killed; and, in the end, the Sappers and Miners ran away, and have come to Delhi. Several missives were written and despatched, by two, three, or four troopers each, directing early and immediate attendance to Maha Raja Narendra Singh of Patiala, Raja Ramsingh, of Jaipur, the Rajah of Alwar, and the Rajahs in Jodhpur, Kotah, Bundi, &c. Two children were killed by the falling of the balcony of Dewan Kishan Lal's house. It is reported that troops are coming from Ambala: otherwise everything is quiet.

Monday, 18*th May* 1857.—The King came from his private apartments into the Hall of Special Audience, and took his seat on the throne, in state. The bands of the five regiments attended and continued playing English music. The King bestowed arms and dresses of honor varying in grandeur, by reference to their appointments, on Mirza Moghal as Commander-in-Chief of the whole of the Forces, on Mirza Kochak

Sultan, Mirza Khair Sultan, Mirza Mendu and on others of his sons as Colonels of infantry, and on his grandson Abulbakr as Colonel of the regiment of cavalry. Mirza Moghal presented two gold mohurs, and the other princes one gold mohur and five rupees each in thankfulness for the honors conferred on them. Hasan Ali Khan attended and paid his respects. He was ordered to attend Court regularly every day, and said he would do so. The King then said that a very large portion of country would be bestowed on him, and directed him therefore to raise troops, cavalry and infantry. Hasan Ali Khan replied that he could not undertake this, but that he would remain in attendance on his Majesty. The two sowars who had been sent with the missive to Alwar returned, and reported that thousands of Goojurs were infesting the road and committing highway robberies ; that they had robbed them of their horses, clothes and money ; that they had taken the King's letter and tearing it up, had put the pieces back into their hands ; and that it was after much entreaty and supplication they were prevailed on to give back the horses. A camel-rider who was sent with a missive to Nawab Ahmad Ali Khan of Farrukh-nagar returned and reported that the Goojurs would not allow him to go on. The officers of the Sappers and Miners presented themselves and reported that five companies of their corps had come from Roorkee to Meerut: that all the Europeans with their wives and children, were collected in their entrenchments called the Dum-duma. That the Europeans used every endeavour to tamper with the Sappers and Miners, to dissuade them from coming to Delhi, and to get them to remain at Meerut, and to join in the duties there, promising them an increase of salary ; but that they declined listening to those proposals, whereupon the Europeans commenced a fire of grape on them about 3 o'clock one morning, by which 200 and upwards of their numbers were killed, and the remainder ran away, and had now come to His Majesty's presence. They were ordered to take up their quarters in Salimgarh. Nawab Mahbub Ali Khan having prepared a nominal list of Ramji Das Godownwalla, Ramji Das Gurwalla, the treasurer Saligram, and the other merchants of the city, sent it to them by a confidential agent, with a message that the daily expenses of the troops amounted to 2,500 rupees, and that they were therefore collectively required to provide 5 lakhs of rupees. On this the whole of the merchants went to Mahbub Ali Khan and reported that they were plundered of all they possessed on the outbreak of the troops, and whence now were they to raise the money ? Ramji Das said that if Mahbub Ali Khan could get the other merchants to pay, he also would do so. Mirza Abulbakr went with the regiment of cavalry to the villages of Chandrawal and Wazirabad, to punish the Goojurs for robberies they were committing ; but the Goojurs ran away.

Tuesday, 19*th May* 1857.—The King came from his private apartments into the Hall of Special Audience. Two troopers arrived from Meerut and reported that a force, consisting of infantry, cavalry and artillery, had come to Meerut, with several lakhs of treasure from Bareilly and Moradabad. The Europeans there complained to them that the Meerut troops had revolted, and killing numbers of them, had gone off to Delhi. The Bareilly and Moradabad forces replied that the Europeans had taken their revenge by killing three hundred of the Sappers and Miners, and that, no doubt, they (the Bareilly and Moradabad force) would experience similar kindness. On hearing this, the Europeans went into their entrenchments and commenced a cannonade, when the troops from Bareilly and Moradabad erected batteries and returned the fire. Through the direction of God, a shot from the latter fired the mine the Europeans had laid, and the whole area enclosed by their entrenchments was blown up. On receiving this intelligence the whole of the troops and the King were highly delighted, and fired five guns at Salimgarh in token of their joy.

After this, information arrived that the Collector of Gurgaon, on running away, had left 17,000 rupees at Harsaru Garhi. One hundred troopers and two companies of infantry went thither and brought the money away. It was ordered that it should be lodged in the treasury. A trooper sent by the Baija Bai arrived and stated that his mistress, not crediting the report of the slaughter of the Europeans and their wives, had sent him for certain intelligence. The King told him that all the Europeans here had been exterminated, directing him to return to Gwalior accompanied by two troopers, and carrying a special missive, and to tell the Bai Sahib to come to the royal presence immediately with her troops, and manifest her good will. After this the King held his Court in the Hall of Special Audience. His Majesty bestowed a dress of honor of great grandeur together with a silver inkstand, on account of his appointment to the premiership, with the title of "Prime minister to the King of the conquered countries" on* ..... The said Mirza presented 10 gold mohurs to show his sense of the honor conferred on him. The King conferred a similar dress of honor on his special son, Mirza Bakhtawar Shah, on his appointment to the Colonelcy of the 74th Regiment Native Infantry. The said Mirza presented two gold mohurs and five rupees as his thanks-offering. His Majesty further presented each of his sons who had been appointed Colonels, with a pair of kettle-drums. The chamberlain Hasan Mirza was ordered to present Kunwar Ajit Singh of Patiala. The Kunwar accordingly attended and presented one gold mohur. The King said he well knew the Kunwar had always been residing in Delhi, and gave him a dress of honor, and the Kunwar in acknowledgement presented an offering of five rupees. Ahmad Mirza and the son of the physician Abdul Hak attended and presented five rupees each. The Risaldar sent by Muhammad Akhbar Ali Khan attended and presented an offering of two rupees on his own account, and a petition from his client, stating that after making necessary arrangements in his territory, he would speedily come to the royal presence. There were two gentlemen, three ladies and a child concealed in the house of Nathu tailor, the troopers hearing this made them prisoners and brought them to the palace, and burnt the tailor's house. The King placed these prisoners in the custody of the soldiery. His Majesty went to Salimgarh, where he received a general military salute from the troops. The officers of the 20th Regiment Native Infantry represented that they did not credit the story of the blowing up of the entrenchments at Meerut brought by the two troopers, and that they therefore intended to go and blow them up themselves. The King said it was not necessary; but suggested that if they went they should do so with the concurrence of their General, Mirza Moghal. An order was issued to Kazi Faiz Ulla, the principal police officer of the city, telling him that two of the boats in the bridge over the Jumna had become displaced, and directing him to send one hundred labourers to restore their lashings. Intelligence was received that several doctors, accompanied by a number of the Mussulman residents of the city, had erected the Mahomedan standard in the Jama Masjid as a declaration of an obligatory war of extermination against the British; and that the doctors having represented the great merit of slaying the English, who, they said, were infidels, thousands of Mussulmans had joined the standard. The King hearing this sent a message, saying "All the English have been killed, against whom have you raised this standard"? and directing that it should be removed. Moulavy Sadr-ud-din Khan went to the Jama Masjid and reasoned with the doctors there, and prevailed on them to take the flag down. Several carts of grain, salt, &c., were seized outside the city, and brought in.

Wednesday, 20th May 1857.—The King came from his private apartments into the Hall of Special Audience. The doctor Muhammad Sayad attended and exchanged greetings with him. The King remarked that he (the doctor) had erected the Mahomedan standard in the Jama Masjid against the English; but that as they had been all killed, there had been no necessity for doing so. The doctor replied that it had been set up against the Hindus. On this, the King remarked that he regarded Hindus and Mahomedans alike, and he was not disposed to acquiesce in a religious war against the Hindus; further remarking that, as for the Christians, all there had been of them, had been already killed. After this, the officers of the army attended and complained that the Mahomedans had raised the Mahomedan flag against them; but the King assured them that the object of its being erected was the slaughter of the English. The officers further represented that one of the magazine servants was seized at the bridge while in the act of taking away a small brass gun he had stolen from the park of artillery. The King sentenced the man to be blown away from a gun. Mirza Amin-ud-din Khan, Mirza Zia-ud-din Khan, Hasan Ali Khan, and Rahmat Ali Khan attended and paid their respects. The King bestowed a walking stick on each of them as a mark of favor, and they severally presented five rupees each. Mirza Moghal received orders to proceed to Meerut with four guns, four regiments of infantry and the cavalry, in order to blow up the entrenchments there. The said Mirza suggested that Mirza Amin-ud-din Khan, Mirza Zia-ud-din Khan, Hasan Ali Khan, and other great chiefs holding extensive territories, might be sent with him, and promised to exterminate the English. On hearing this suggestion, the chiefs referred to remained silent. The King then directed Mirza Abulbakr to start with the force. Nawab Mahbub Ali Khan, and the physician Ahsan Ulla Khan, were ordered to provide funds for the expenses of the army during its march to Meerut. The infantry soldiers searched a cart coming from Meerut, and plundered some jewellery there was in it. Some troopers searched the Mubarak Bagh, situated beyond the Cantonments, and killed two Europeans who had been hiding there. The officers of the army came and requested that the five European women who were prisoners might be made over to them. The King directed the doctor, Mahbub Ali, to present a legal opinion according to the Mahomedan law in this matter. The Moulavy presented the opinion required, ruling that the slaughter of women was not legal according to the Mahomedan code. The King now retired to his private apartments, where he remained engaged in conference with the Queen and the Secretary Mukund Lal.

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* Name omitted.—Jawan Bakht was probably then appointed.

It being 4 o'clock the Court adjourns till 11 A. M. to-morrow.

SEVENTEENTH DAY'S PROCEEDINGS.

WEDNESDAY, FEBRUARY 24TH 1858.

The Court re-assembled this day at 11 A. M. pursuant to adjournment of yesterday, in the Hall of Special Audience in the Palace at Delhi.

The President, Members, Interpreter and Deputy Judge Advocate General are all present.

The Prisoner is brought into Court, attended by his attorney Ghulam Abbas.

The following extracts from the *Authentic News* are read in Persian, and the translations of them into English are then read and entered as follows:—

6th July 1857.—An order attested with the royal seal was issued to the Commander-in-Chief Bahadur, investing him with the management of the daily allowances to the army, and placing the direction of all military matters of government in his hands.

7th July 1857.—A petition from Rajah Gulab Singh, Ruler of Cashmere, reporting having established his sway throughout the country appertaining to Lahore, and a second from Dost Muhammad Khan, requesting permission to come to the royal presence, were received under cover of one from the General Bahadur. Orders directing the despatch of missives in answer were issued.

9th July 1857.—A report was made that General Bakht Yar Khan had sent a force fully equipped and appointed to chastise the enemy, and that this force had fought with signal bravery. Couriers continued arriving every moment with reports of the progress of the fight.

11th July 1857.—*From the Court Gazette, the Suraj-ul-Akhbar.* It is ascertained, that the King held a Court. The nobles of the realm received admittance in the order of precedence. Particulars of the operations against the accursed hostile force, of the arrangements for carrying on the war, and of the signal valour of the heroes composing his Majesty's army, were submitted for the King's information. An order was issued to Ghulam Nabi Khan to have the house belonging to the Jhajjar Nawab, situated in the section of the city known as Darya, cleared out for the accommodation of the wounded. Some funds were bestowed on the Jahadis* for their expences.

12th July 1857.—A petition was received from Syad Ali and Baker Ali, chiefs of Benares, submitting that they had made a great slaughter of the doomed infidels, and that they now desire to wait on his Majesty. A favorable answer was written immediately.

13th July 1857.—Information of the capture of Agra through the blessing of God was communicated in petition from the General Bahadur. The King had a salute of 21 guns fired, and the musicians played upon their English flutes, clarionets and drums, in token of rejoicing on the occasion. Two spies with English letters were apprehended to-day, and were sent to Mirza Moghal for investigation in reference to them. A petition was received from the officers from the Jhansi Regiment, reporting the slaughter of the immoral infidels, and an answer was written.

15th July 1857.—A royal missive was received to his address by Husain Bakht Khan, directing him to go out and meet the Jhansi force which was expected to come in next morning, and to have them encamped outside the Ajmir Gate.

16th July 1857.—The officers of Jhansi attended and presented their swords and pistols in token of their devotion. The King with extreme munificence, bestowed 2000 rupees for their immediate expenses.

17th July 1857.—A report being made that two regiments of infantry had arrived from Ambala, orders were issued that Mirza Moghal was to assign them quarters amongst the regiments which had previously come.

18th July 1857.—Several spies of the English were apprehended at the grave-yard, and were brought in as prisoners.

2nd August 1857.—A petition arrived from the Governor General Bahadur that the rebel enemy had been compelled to retreat. An order was passed on it that it should be deposited in the office.

4th August 1857.—General Sidhari Singh, of the Neemuch troops, and other illustrious officers having paid their respects, submitted their plans for driving the English away from the ridge, and the King continued conversing with them on this subject.

5th August 1857.—The King issued two orders, the one to the address of Nawab Wali Dad Khan Bahadur, in answer to his petition, intimating that troops will be sent to him after the capture of the ridge occupied by the British ; and the other to the Rajah of Alwar, directing him to forward his tribute with a petition.

6th August 1857.—The King was occupied listening to accounts of the bravery and valour of the troops, when intelligence suddenly arrived that the valiant army had crowned the heights of the ridge, and orders were immediately issued for the despatch of more troops and ammunition.

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* "Jahadis"—Those engaged in a religious war.

7th August 1857.—It was reported that the army having gone into the batteries, was now devotedly engaged in hostile operations. Near the close of the day the aweinspiring intelligence was submitted that the magazine in the quarter called the Mohalla Johariwalla had accidentally been fired, and that the men and women who had been employed there as laborers were burnt as if they had been roasted, and that the building was destroyed by the explosion. When the infantry soldiers, always ready to take advantage of any pretext for acts of oppression, heard of this matter, instigated by some ill-disposed characters, they immediately got up a false imputation against His Excellency the Respected of the state (the court physician) of having had the place fired, and plundered and destroyed his house, and whatever came to each one's hand he carried off. Even the houses of the neighbours were plundered. The King was very much enraged on hearing this, and took the physician into his own protection. He further had a proclamation made that all those who had any of the physician's property were to restore it immediately, otherwise their bellies would be ripped open. After this the King thought on God the avenger, and gave utterance to the following impromptu quatrain:—

My enemies assembled in force on all sides.
O Ali ! all powerful, for God's sake !
Thou hast sent an unseen army to my aid :
It is from thee I supplicate victory in my prayers.

The following paper, No. ——, is now read in the original, and the translation of it is entered as follows:—

"With the approving sanction of God. The Lord of the Nation."

"*Exposition of a letter written regarding the victory of the faith.*"

All you Rajahs are famed for your virtues, noble qualities and liberality, and are moreover the protectors of your own faith and of the faith of others. Keeping your welfare in view, I humbly submit that God has given you your bodily existence to establish his different religions, and requires you severally to learn the tenets of your own different religious institutions, and you accordingly continue firm in them. God has moreover sent you into the world in your elevated position, and given you dominion and government that you may destroy those who harm your religion. It is incumbent therefore on such of you as have the power, to kill those who may injure your religion; and on such as have not, to engage heartily in devising means for the same end, and thus protect your faith: for it is written in your scriptures that martyrdom is preferable to adopting the religion of another. This is exactly what God has said, and what is evident to every body. The English are people who overthrow all religions. You should understand well the object of destroying the religions of Hindustan: they have, for a long time, been causing books to be written and circulated throughout the country by the hands of their priests, and exercising their authority, have brought out numbers of preachers to spread their own tenets: this has been learned from one of their own trusted agents. Consider then what systematic contrivances they have adopted to destroy our religions. For instance, *First*, when a woman become a widow they ordered her to make a second marriage. *Secondly*, the self-immolation of wives on the funeral pyres of their deceased husbands was an ancient religious custom; the English had it discontinued, and enacted their own regulations prohibiting it. *Thirdly*, they told people it was their wish that they (the people) should adopt their faith, promising that if they did so, they would be respected by Government; and further required them to attend Churches, and hear the tenets preached there. Moreover they decided and told the Rajahs that such only as were born of their wives would inherit the government and property, and that adopted heirs would not be allowed to succeed; although according to your scriptures, ten different sorts of heirs are allowed shares in the inheritance. By this contrivance they will rob you of your governments and possessions as they have already done with Nagpur and Lukhnow. Consider now another of their designing plans. They resolved on compelling prisoners with the forcible exercise of their authority to eat their bread. Numbers died of starvation, but did not eat it; others eat it and sacrificed their faith. They now perceived that this expedient did not succeed well, and accordingly determined on having bones ground and mixed with flour and sugar so that people might unsuspectingly eat them in this way. They had, moreover, bones and flesh broken small and mixed with rice which they caused to be placed in the markets for sale; and tried besides every other possible plan to destroy our religions. At last some Bengali after due reflection, said that if the troops would accede to the wishes of the English in this matter, all the Bengalis would also conform to them. The English hearing this approved of it and said, "Certainly this is an excellent idea," never imagining they would be themselves exterminated. They accordingly now ordered the brahmans and others of their army to bite cartridges in the making up of which fat had been used. The Mussulman soldiers perceived that by this expedient the religion of the brahmans and Hindus only was in danger, but nevertheless they also refused to bite them. On this, the English now resolved on ruining the faith of both, and blew away from guns all those soldiers who persisted in their refusal. Seeing this excessive tyranny, the soldiery now in self-preservation, began killing the English, and slew them wherever they were found, and are now considering means for slaying the few still alive here and there. It is now my firm conviction that if these English continue in Hindustan, they will kill every one in the country, and will utterly overthrow our religions. But there are some of my countrymen who have joined the English, and are now fighting on their side. I have reflected well on their case also, and have come to the conclusion that the English will not leave your religion to both you and them. You should understand this well. Under these circumstances I would ask what course have you decided on to protect your lives and faith? Were your views and mine the same we might destroy them entirely with a very little trouble, and if we do so we shall protect our religions and save the country. And as these ideas have been cherished and considered merely from a concern for the protection of the religions and lives of all you Hindus and Mussulmans of this country, this letter is printed for your information. All you Hindus are hereby solemnly adjured by your faith in the Ganges, Tulsi and Saligram, and all you Mussulmans, by your belief in God and the Kuran as these English are the common enemy of both, to unite in considering their slaughter extremely expedient, for by this alone will the lives and faith of both be saved. It is expedient then that you should coalesce and slay them. The slaughter of kine is regarded by the Hindus as a great insult to their religion. To prevent this, a solemn compact and agreement has been entered into by all the Mahomedan chiefs of Hindustan, binding themselves that if the Hindus will come forward to slay the English, the Mahomedans will from that very day put a stop to the slaughter of cows, and those of them who will not do so, will be considered to have abjured the Kuran, and such of them as will eat beef will be regarded as though they had eaten pork: but if the Hindus will not gird their loins to kill the English, but will try to save them, they will be as guilty in the sight of God as though they had committed the sins of killing cows and eating flesh. Perhaps the English may, for their own ends, try to assure the Hindus that as the Mussulmans have consented to give up killing cows from respect for the Hindu religion, they will solemnly engage to do the same, and will ask the Hindus to join them against the Mussulmans; but no sensible man will be gulled by such deceit, for the solemn promises and professions of the English are always deceitful and interested. Once their ends are gained; they will infringe their engagements, for deception has ever been habitual with them, and the treachery they have always practised on the people of Hindustan is known to rich and poor. Do not therefore give heed to what they may say. Be well assured you will never have such an opportunity again. We all know that writing a letter is equivalent to an advance half way towards fellowship. I trust you will all write answers approving of what has been proposed herein. This letter has been printed under the direction of Moulavy Syad Kutb Shah Sahib, at the Bahaduri press, in the city of Bareilly.

The following Extracts from a Native Paper called the *Suraj ul Akhbar* are now read in the original. Translations of them are entered as follows:—

Tuesday, 25th August 1857.—The time between dawn and daylight having been passed in the usual necessary religious observances, the Respected of the state, (the physician) was allowed the honor of inspecting the royal pulse. The King then took his seat on the throne in state, and the great and dignified nobles of the realm being allowed the honor of appearing in the royal presence, discharged with extreme respect their devoirs and obeisances. His Majesty inspected two orders prepared in the royal secretariat office, the one addressed to Bahadur Ali Khan, Hasan Ali Khan, Durgaprashad, and Bhup Singh, officers of the troops at Peshawur, directing them to make all haste in coming to the royal presence, and to bring a suitable amount of treasure with them, and the other to the prince royal Mirza Muhammad Kochak, ordering him to distribute the pay of the Nasirabad force. After inspection, these orders were sealed with the special seal and despatched agreeably to the royal permission. His Majesty then proceeded to bestow consideration on the following petitions. *First.*—A petition from Tanawar Ali Khan, son of Muhammad Abdul Ghafar Khan, resident of Mustafabad, otherwise called Rampur, professing fidelity and allegiance, and avowing his intention of coming to the royal presence. *Secondly.*—A petition from Rajah Nahar Singh, Chief of Ballabhgarh, through Mir Fateh Ali Khan, making professions of heart-felt fidelity, allegiance, zeal and good will. *Thirdly.*—A petition from Waris Muhammad Khan of Bhupal, reporting the slaughter of 56 of the accursed English, and enclosing copy of a proclamation issued to the residents of the city and country to engage in like manner in the destruction of the damnable infidels, and moreover soliciting the honor of a royal missive. *Fourthly.*—A petition from Kashi Rao Holkar of Indore, expressive of his devotion and zealous activity in the service of the King; avowing his fixed purpose and determinate resolve to ruin and exterminate the English, clever in all villainy; and forwarding five of the heads of enemies killed. *Fifthly.*—A petition from Muhammad Amir Khan, son of Ghulam Muhammad Khan, son of Abdul Samad Khan, resident of Dojana.

Having perused the above petitions, His Majesty decided that answers should be sent after further consideration.

The officers of the army coming into the royal presence, submitted that as Muhammad Bakht Khan, Governor General Bahadur, had gone with His Majesty's victorious forces in the direction of Alapur, to fight against the infidel enemy, and was now engaged in active operations against them, it was necessary that reinforcements should be sent to his assistance. On this representation, orders were accordingly issued that a further portion of the troops should be sent in that direction.

After this His Majesty retired to his private kingly hall: at noon he partook of the delicacies presented for dinner, after which he enjoyed a siesta. He then went through the prayers appointed for the first of the daily five times, continued occupied in such pastimes as those he delights in, and then read the prayers of the second time. Near the close of the day he honored the Respected of the state (the court physician) by allowing him to feel his pulse: after this he condescended to visit the luxuriant garden of Salimgarh for relaxation and pleasure. Returning from Salimgarh His Majesty retired to his private hall. The officers of the force stationed at Teliwara represented the irregularity of no force being sent to relieve them. After this he again came into the Hall of Special Audience, and held a levee, but retired again shortly, much agitated and displeased. After sunset those in attendance at Court were honored with permission to leave.

Wednesday, 26th August 1857.—Having passed the time between dawn and sunrise in the observances suited to that portion of the day, His Majesty allowed the Respected of the state (the court physician) to feel his pulse, and then took his seat in state on the throne, the exalted nobles in attendance forming a circle like a halo round the moon. The officers of the army submitted that reinforcements should be sent to the aid of the forces which had gone out to combat with the enemy, and were now engaged in this laudable service. Orders were accordingly issued that the whole army, infantry and cavalry, were to go. After this, the King having inspected the three following orders prepared in the royal secretariat office, they were attested with the seal, and the King gave permission for their being despatched.

1st.—An order to the officers of the army, directing that the one-half of the forces should proceed to the Najafgarh battery, and the other to the Teliwara battery.

2nd.—An order to Mirza Muhammad Zohur-ud-din Bahadur regarding his investment with power to forgive offences, and to consider the army under his orders..

3rd.—An order to Thakur Chaman Singh, to bring some more of his brothers.

A petition having been received from Shahzada Muhammad Azim Bahadur, representing his difficulties in consequence of the arrival of the enemies' forces, and requesting that reinforcements including artillery might be sent to his assistance, the King gave orders that a royal missive in reply should be written. After this the King retired from the Court to his private apartments: at noon His Majesty partook of the delicacies presented for dinner, and then retired to take his siesta. Having gone through the prayers of the first of the five times, he occupied himself with such amusements as he is partial to, and then read the prayers of the second time. Near the close of the day, His Majesty, accompanied by all the nobles of the state, went to the Salimgarh garden for recreation and amusement. He returned in tho evening, and retired to his private apartments.

Thursday, 27th August 1857.—Rising at dawn and passing some time in the customary religious observances, the King honored the Respected of the state, the court physician, by allowing him to feel his pulse. His Majesty then took his seat in state on the throne, when his illustrious sons, and the exalted nobles of the realm, paid their respects. Baldeo Singh Kundla Kush presented his nazar, when, with excessive kindly condescension, he was honored with the gift of a pair of shawls as treasurer of the infantry, and he accordingly presented the usual nazar to show his thankfulness for this honor, which was accepted. The King next examined the six following orders which had been prepared in the royal secretariat office, and after inspection permitted their being attested with the special seal and despatched.

1st.—An order to Mirza Muhammad Khair Sultan Bahadur, assuring him that he was invested with full powers in regard to arrangements for raising money, and that no representations in this matter from any person whatsoever would be heeded.

2nd.—An order to Mirza Moghal Bahadur, Mirza Khair Sultan Bahadur, the officers of the army, and the members of the court of deliberation, to the effect that money having been twice received from the merchant Ramji Das Gurwalla, he was on no account to be subjected to any further demand.

3rd.—An order to Mirza Abdul Ha-an, otherwise Mirza Abdulla Bahadur, in answer to the petition of Amir Khan of Dojana, directing his attendance at Court.

4th.—An order to Kashi Rao Holkar of Indore, directing his attendance at Court.

5th.—An order to Raja Nahar Singh, Chief of Ballabhgarh, intimating that a dun, horse had been received, and directing him to entertain no fears of being molested by the army.

6th.—An order through Fateh Ali Khan to Tanawar Ali Khan, son of Abdulla Khan of Rampur, directing his attendance. Some troopers communicated particulars of the success, valor, and enterprize of the troops, and particularly of the Neemuch force; they also communicated the gathering of the peasantry round Najafgarh. Feeling indisposed, His Majesty issued orders for the immediate attendance of the court physician, and retired to his private apartments. At noon, His Majesty eat of the delicacies presented for his dinner, and then took his siesta: after this he discharged the prayers of the second of the five daily times, continued engaged in the recreations he is partial to, and then read the prayers appointed for the third time of the day. The court physician being in attendance, prepared and gave His Majesty a cooling draught. Near the close of the day all who had been in attendance at Court were allowed to leave.

Friday, 28th August 1857.—Having discharged the usual religious observances, the King permitted the court physician to feel his pulse, and then came into the Hall of Special Audience, where the nobles and chiefs of the realm paid their respects. Khwaja Isma'il Khan, a resident of Calpi, came forward and presented the offering usual on admission to the royal presence. His Majesty feeling weak, then retired to his private apartments. At noon he enjoyed his dinner, then took his siesta, afterwards he discharged the prayers appointed for the second and third times of the day, drank a cooling draught prepared by the court physician, and dismissed his retinue for the day.

The four following orders were then attested with the special seal, and issued agreeably to His Majesty's commands.

1.—An order to Muhammad Safi, Brigadier, &c., in answer to his petition, assuring him that His Majesty was not displeased or angry with him, nor did he entertain any suspicions against the Neemuch troops.

2.—An order to Mirza Rahmat Bahadur to pay up the rent of the Imambara which is appropriated to the expenses of the department called the "Nazar Nisar."

3.—An order to Ahmad Ali Khan, Chief of Farrukh-nagar, directing him to send some matchlocks.

4.—An order to Bahadur Jang, regarding the theft in his territory of a string of 14 camels.

A petition from Abdul Latif Khan, Chief of Khanpur, promising to come to Court, and to bring some elephants with him, and representing that he had been unwell.

At 1 o'clock the Court adjourns till Saturday, the 27th of February, at 11 A. M., that Mr. Everett, a witness, may attend.

EIGHTEENTH DAY'S PROCEEDINGS.

SATURDAY, FEBRUARY 27TH 1858.

The Court re-assembled this morning at 11 A. M. in the Hall of Special Audience in the Palace of Delhi.

The President, Members, Interpreter and Deputy Judge Advocate General are all present.

The Prisoner is brought into Court, attended by his attorney Ghulam Abbas.

John Everett, a Risaldar, late of the 14th Regiment of Irregular Cavalry, and now of the constabulary force, is called into Court and duly sworn.

EXAMINED BY JUDGE ADVOCATE.

Question.—Were you at Delhi on the 11th of May 1857?

Answer.—I was.

Question.—Relate what you then witnessed in reference to the outbreak?

Answer.– About 9 o'clock in the morning, the mutineers from Meerut entered the city, and the alarm was given that they were killing the European gentlemen and all the Christians. Half an hour aftewards, I heard the report of musquetry near the Magazine. I remained quiet in the house till evening, being unwell, and only at Delhi on sick leave, but not thinking myself safe in the hired house in which I was living, I went, about dark, into Colonel Skinner's compound and remained there all night. Very early next morning I went to Mirza Azim Beg's house, (a Sirdar Bahadur and a pensioner from the 1st Irregular Cavalry,) and asked him to keep me in his house during the day, and at any rate to get me out of the city. He told me to remain quiet in his house, and that he would try and do so. I remained there for a day and a night, and the second day he told me that his neighbours had got intelligence of my being hid in his house. Mr. George Skinner was also in his house. Mirza Azim Beg, with whom we were staying, went to the palace for the purpose of getting a guard from the King for our protection. He was away an hour on his errand, and then sent me word that the King's physician, *viz.* Ahsan Ulla Khan, was very angry at his protecting Christians in his house,—(Ahsan Ulla Khan was a relative of Mirza Azim Beg,)—and desired that we were to get out of his house immediately. I accordingly left his house as he desired, but Mr. George Skinner remained concealed in the apartments of the females of the establishment. I had got away about 200 yards from the Sirdar Bahadur's house, when I saw some of the mutineer sepoys. A Masjid was close to me, and I thought if I could get into it and remain quiet, the mutineers would pass on; but just as the mutineers came in line with the Masjid, some one recognized me and called out to the mutineers, that there was a Christian in the Masjid. They accordingly made me a prisoner; they then went to the house of Mirza Azim Beg, and also made a prisoner of Mr. George Skinner. Both of us were being taken to the Kotwali; but before we had reached it, about 11 troopers from the 3rd Light Cavalry came galloping up and asked the sepoys "Who are you taking prisoners? Are they Christians?" They replied: "Yes," when some of the troopers drew their pistols and said "Why "take them to the Kotwali at all: why not kill them here?" The others replied "The Kot-"wali is not far off, let them go there, and you can then do as you like." On reaching the Kotwali the sepoys made a report to the Kotwal, saying they had brought two children, prisoners. The Kotwal gave no answer, and a trooper came up to Mr. George Skinner and caught him by the hair of his head, and pulling him away about 50 paces from the Kotwali, and placing him in front of the canal wall, shot him with his pistol: several other shots were fired at him by some other troopers, and he fell dead. I stood before the Kotwali thinking they would come and take me; but the troopers, after killing Mr. Skinner, galloped off to the fort. I was then ordered by the Havildar at the Kotwali to go and sit among the prisoners; and there I remained for 25 days with 40 others, men, women, and children, all Christians, after which we were released in consequence of a Moulavy by the name of Muhammad Isma'il, giving evidence that we were all Mahomedans, and that if there were any Christians they would become Mahomedans, and that it was not lawful to kill such as turn to Mahomedanism of their own accord. We were not, however, allowed to leave the city. I then went to live with an African of the name of Moujud.

Question.—Had you had any intercourse or intimacy with this man previously?

Answer.—I knew the man very well, as he had been in Colonel Skinner's service formerly, and had left it about the year 1842.

Question.—At the time of the outbreak in whose service was this African?

Answer.—In the King's service; he had been so some years.

Question.—Did he ever try and induce you to leave the Company's service, and go over to that of the King?

Answer.—Yes, he did speak to me about it, *viz.*, about three days previous to the outbreak, he came to my house while I was looking at horses to purchase for my corps, and said he wished to speak to me. I went aside with him, and he then said, "You had "better leave the Company's service and with your troop come over to that of the King." He said this in the way of friendly advice. I asked him his reason. He said "This hot weather you will see the Russians all over the place." I laughed at the fellow's ideas, and told him to go away just then, as I was busy, and I would see him some other time. This conversation took place on Saturday, the 9th of May 1857, at 11 A. M. He did not come back, however, and when I was released from the Kotwali I went to him, and he said to me, "Did I not tell you to come away?" And he then went on to tell me that there was an African of the name of Kambar, that had been sent from here, two years before the outbreak, to Constantinople: he also mentioned that this man Kambar had left Delhi on the pretence of going to Mecca, but had really been sent as an ambassador from the King of Delhi, to get some help from Russia; and that this man Kambar, on leaving Delhi, had made a promise that he would return in two years.

Question.—During your stay with Moujud, did you get any further intelligence from him relative to the outbreak?

Answer.—No, not exactly in reference to the outbreak; but he used to return home at night, and give me the news of the day; and on one occasion he told me that the King had assembled all his sons and his men of note at a public durbar, and remarked to them that since the battle at Ghazi-ud-din-nagar he had observed that they had been gradually sneaking away from their attendance on him, and that he imagined this must be through a fright. The king added that this was the time when they should all unite, and heartily combine to drive the British off the ridge. "If you do not do so," said he, "mark my words, if the British ever enter Delhi again, they will not leave one soul alive of the descendants of Taimur Shah." This man Moujud was the chief of ten or twelve Africans in the service of the King; he was a private special attendant of his and was always by his side, and I think his statements to me may be perfectly relied on.

Question.—Did this man Moujud offer you money or any other inducements to quit the Company's service?

Answer.—No.

Question.—Do you know whether his proposal to the above effect emanated from the King or any high official in the palace?

Answer.—I did not take it as such; I merely thought it the man's own foolishness.

Question.—Are you aware whether any other persons in the military service of the Company were ever solicited to go over to the King?

Answer.—Not to my knowledge.

Question.—Did you ever hear the men of your regiment talking about the chapatis that were circulated from village to village before the outbreak?

Answer.—No: I was on leave at my own village at the time, and all that I heard in reference to the subject was that the chapatis were going about, and that nobody could make out the meaning of it.

Question.—How long had you been in Delhi previous to the 11th of May ?

Answer.—About thirteen or fourteen days.

Question.—During that time, had you heard the people saying and speaking among themselves to the effect that any disturbance was soon likely to occur ?

Answer.—No, I was sick and had little intercourse with the Delhi people.

Question.—You have said that Moujud told you after the outbreak, that the Russians would soon be all over the place : do you know whether this was the general belief of the people of the city ?

Answer.—Yes, I think it was : the subject was one of general conversation among the Mahomedans with whom I was able to have intercourse ; they said they expected the Russians this hot season.

Question.—Had you, previous to the outbreak, any conversation with the native officers and men of your regiment, on the subject of the Company's Government ?

Answer.—A Mahomedan officer of the 14th Irregular Cavalry, by the name of Mirza Taki Beg, said it was written in his books that a change would take place, and that the British rule would soon be overthrown. This was at Peshawur. I am not sure whether it was in the year 1855 or 1856.

Question.—Have you ever heard any persons remarking on the length of time the English rule had lasted, and that in the common order of events it could not exist much longer ?

Answer.—No.

Question.—From what you know, were the Hindus in Delhi, or the Mussulmans most averse to the Company's Government ?

Answer.—The Mussulmans.

Question.—Did you ever hear that the King of Persia was coming with an army to India : or did you ever hear the war between the English and Persians particularly alluded to by the natives ?

Answer.—No, I never used to talk with the natives on this subject, as I got my information from reading the English newspapers.

Question.—Do you know whether the expected coming of the Russians was believed in by the natives or talked about by them before the outbreak ?

Answer.—No, I cannot speak to the point, as I never had any intercourse with the natives.

The Prisoner declines to cross-examine.

EXAMINED BY COURT.

Question.—From any thing you heard whilst in Delhi, have you the least reason to suppose that the Prisoner joined the mutinous army unwillingly ?

Answer.—I can only declare what I have heard : that at the first commencement the King was unwilling ; but when he found himself implicated, he joined afterwards, *viz.*, in about a fortnight. This is mere hearsay, and I can produce no authority for it.

The witness withdraws.

Ghulam Abbas, the Prisoner's attorney, is reminded of his affirmation as a witness.

EXAMINED BY JUDGE ADVOCATE.

Question.—Look at these 12 papers, and say whether you think them genuine or not ?

Answer.—Those which have the orders in pencil at the top, are certainly genuine, for the pencil orders are in the hand-writing of the Prisoner. I have no reason to suppose that the other papers are not genuine: those which have the cypher in pencil are also genuine, as the cypher is in the King's writing. These papers are now read by the Interpreter in original, and the translation of them is read and entered as follows.

No.

PETITION of Mukund Lal.

Dated 2 P. M., *Tuesday, 18th August* 1857.

To

THE NOURISHER OF THE POOR!

RESPECTFULLY SHEWETH,—That when the King, after holding his Court, had retired to his own apartments, Moulavy Fazl-ul-Hak, Nawab Ahmad Kuli Khan Bahadur, Budhan Sahib and Mirza Khair Sultan Bahadur, had the orders written which are detailed below: that all the officers of the army came to Nawab Ahmad Kuli Khan, demanding money for expenses: and that the King again came out at 12 o'clock. I have submitted these matters for your information. Moreover, all the orders above referred to came under the King's inspection. The queen of the world* was asleep, and the seals have therefore not been affixed. They will, however, be affixed at 3 o'clock. It is now 2 o'clock P. M., and though the King's Court for the day has been ended, the whole of the Officers are still sitting about Nawab Ahmad Kuli Khan.†

1. To the address of Rao Tularam. To send money. Written as directed by the Shamshir-ud-dowlat.
2. To the address of Rao Tularam. Ordering the remittance of money in reference to Sadbrowli. Written as directed by the Shamshir-ud-dowlat.
3. To the address of Jiaji Scindiah. Written as directed by General Ghulam Ghous Khan.
4. To Baija Bai. Written as directed by General Ghulam Ghous Khan.
5. To Rana Bhagavant Singh. Ditto ditto.
6. To the address of Chandhari Manbedhar. Written as directed by General Ghulam Ghous Khan.
7. To the address of Moulavy Wazir Ali. Written as directed by General Ghulam Ghous Khan.
8. To the Officers of the Mhow and Indore troops. Written as directed by General Ghulam Ghous Khan.
9. To the Officers of the Morar troops. Written as directed by General Ghulam Ghous Khan.
10. To the address of Bakhsish Ali. Written as directed by Hasan Baksh Uzbegi, directing the enlistment of 500 infantry for Malagarh.
11. Passport to Lukhnow, agreeably to the request of Muhammad Baksh. Written as directed by Kuliyt Ulla Beg Khan, and Hasan Baksh Khan Uzbegi.
12. To Rao Tularam. To remit the revenue of Sadhrowli. Written as directed by the Shamshir-ud-dowlat Bahadur.
13. To Rao Tularam. To send in his trusted accredited agent. Written as directed by the Shamshir-ud-dowlat Bahadur.
14. To Rao Tularam. To send in treasure. Written as directed by the Shamshir-ud-dowlat Bahadur.

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* Zinat Mahall.

† Or the whole of the officers are besetting Nawab Ahmad Kuli Khan,

15. To Rao Tularam. To send in the revenue of Tanda Malahaira. Written as directed by the Shamshir-ud-dowlat Bahadur.

16. To Hasan Baksh Uzbegi. To realize the revenue of the Aligarh district. Written in the presence of Moulavy Fazl-ul-Hak, Shamshir-ud-dowlat, Budhan Sahib and Mirza Khair Sultan.

17. To Faiz Ahmad. Appointing him to realize the revenues of the Bulandshahr and Aligarh Districts, written as directed by Moulavy Fazl-ul-Hak.

18. To Walidad Khan. To aid the above two men in realizing the revenue—Moulavy Fazl-ul-Hak.

19. To Rao Gulab Singh. To remit the revenue by the hands of Hasan Baksh and Faiz Ahmad, 12,000 rupees.

20. To Abdul Latif Khan of Khanpoor. To remit his revenue by the hands of Hasan Baksh and Faiz Ahmad.

21. To Muhammad Ali Khan of Chatauri. To remit his revenue by the hands of Hasan Baksh and Faiz Ahmad.

22. To Zohur Ali of Dharmpur. To remit his revenue by the hands of Hasan Baksh and Faiz Ahmad.

23. To Mahummad Daud Khan of Hakimpur. To remit his revenue by the hands of Hasan Baksh and Faiz Ahmed.

24. To Rajah Damman Singh. To remit his revenue by the hands of Hasan Baksh and Faiz Ahmad.

25. To ——— (name illegible) of Shahabad. To preserve order in his territory. Written as directed by the Nawab Sahib.

26. To Moulavy Abdul Hak Khan. To make arrangements for realizing the revenue of the Gurgaon District. Written as directed by Moulavy Fazl-ul-Hak, whose nephew will go to Gurgaon.

27. To Narayan Das, merchant. To the effect that no demand for money will be made. Written as directed by Mirza Khair Sultan Bahadur. Petition of the slave Mukund Lal.

No order or note of any kind.

Note.—It does not appear to whom this petition was addressed; but it is probable that it was to Mirza Moghal.

No.

ORDER ATTESTED WITH THE OFFICIAL SEAL OF COLONEL MIRZA MUHAMMAD KHAIR SULTAN BAHADUR.

Dated 9th June 1857.

To

THE OFFICERS AND SUBADARS OF THE ARMY.

May health and safety attend you. As the troops which have been fighting here for their religion have, through the blessing of God, been completely victorious, you are hereby directed, provided you still continue firm in your religious tenets, to come here at once, for you will be richly rewarded by the Government, and will besides preserve your religion and creed. It is confidently expected that the English will be all killed wherever they may be. As for this place, not a single Englishman has been left. The King is now established on his throne. He has done every thing to keep your brethren of the army contented and satisfied, and has bestowed rewards on them.

No.

AN ORDER FROM MIRZA MUHAMMAD JAWAN BAKHT, SUPPOSED TO BE IN HIS OWN HANDWRITING.

Dated 9*th June* 1857.

To

THE WELL-WISHER OF UNSUSPECTED FIDELITY, MIR AHMAD AMIR.

May you continue in health and safety. A musket, dagger and sword have just been received through Harprashad. This is written for your satisfaction.

NOTE ON THE REVERSE.—This receipt for a sword and musket was received in the police office on the 9th June 1857. Signature illegible.

No.

PETITION from the Officers of the Royal Treasury.

Dated 11*th June* 1857.

To

THE KING! SHELTER OF THE WORLD!
(*May his prosperity continue.*)

RESPECTFULLY SHEWETH,—That agreeably to your Majesty's orders, Rupees 1,000 have been paid through assistant chamberlain Basant Ali Khan, as a present and on account of their daily allowances to the men of the infantry regiment come from Sirsa. Your petitioner prays he may be graciously favored with a receipt under your Majesty's signature. (Prayers for the prosperity of the reign.) Rupees 1,000. Petition of your Majesty's home-born slaves, the officers of the royal treasury.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

This has reached the Royal presence.

No.

PETITION from the Officers of the Royal Treasury.

Dated 15*th June* 1857.

To

THE KING! SHELTER OF THE WORLD!
May his prosperity continue.

RESPECTFULLY SHEWETH,—That agreeably to your Majesty's orders, Rupees 1,300 have been paid to the troops come from Bareilly, partly as a present, and partly on account of their daily allowances. Your petitioner, therefore, prays that he may be graciously favored with a receipt under the royal signature.

It was necessary and is therefore submitted. (Prayers for the prosperity of the reign.)

Present	Rupees	1000
Allowances	„	300
Total, ...	Rs.	1,300

Petition of your Majesty's home born slaves, the officers of the royal treasury.

AUTOGRAPH NOTE BY THE KING, IN PENCIL.

This has reached the Royal presence.

No.

PETITION of Muhammad Murtaza Khan, Risaldar.

No date.

Date of a note on the Reverse, 9th July 1857.

To

THE KING ! SHELTER OF THE WORLD, &c.

RESPECTFULLY SHEWETH,—That agreeably to your royal orders your petitioner and the men of the corps of cavalry have for a month and a half had their quarters in your Majesty's garden, generally known as that of Begam Sombre, and that, having had the bath-room under the house cleared of the accumulated filth and rubbish, at an expense of one rupee from their own funds, they have kept the cavalry appurtenances and accoutrements there. The men of the regular cavalry now come from Gwalior, have taken possession of the place, and the troopers of my corps are in consequence suffering great inconvenience from exposure to the rain, for besides this bath-room there is no other place of shelter in the garden in question. I therefore pray that orders may be issued to the men of the regular cavalry, directing them not to disturb us in our occupancy, but to search out some other quarters for themselves, or at least to occupy one-half themselves, and to leave the other half to us. It was necessary and I have therefore submitted it. (Prayers for the prosperity of the reign.) Petition of the slave Mir Muhammad Murtaza Khan, Risaldar.

AUTOGRAPH ORDER BY THE KING, IN PENCIL.

Mirza Moghal will explain to the Gwalior troopers that they are to occupy half of the place, and are to give the other half to the petitioners.

A transcript of the King's order in ink on the reverse.

NOTE—ALSO ON THE REVERSE.—According to orders, a written order has been issued. Dated 9th July 1857.

No.

ORDER UNDER THE KING'S AUTOGRAPH CYPHER, IN PENCIL.

Dated 27th July 1857.

To

THE OFFICERS OF THE ROYAL TREASURY.

Pay 4,000 Rupees from the money in your hands for the daily allowances, &c., of the army, and for the expenses connected with the magazine. Consider this imperative.

Rupees 4,000, the half of which is Rupees 2,000.

No.

ORDER UNDER THE KING'S AUTOGRAPH CYPHER, IN PENCIL.

Dated 27th July 1857.

To

THE OFFICERS OF THE ROYAL TREASURY.

Send 1,000 Rupees to the Royal presence that it may be given as a reward to the infantry come from Neemuch !—allow no delay,—consider this imperative.

Rupees 1,000, the half of which is Rupees 500.

No.

ROUGH DRAFTS of three orders from the King, without signature, seal or cypher. Note at top to the effect that copies have been written in the books, showing that the originals had been despatched, and that the office copies for record were subsequently made from these rough drafts.

First Order, dated 21st August 1857.

Ghulam Mau'ud-ud-din Khan, subordinate Collector of land revenue and the landholders of Baghput.—With reference to your application for a military force, you are informed that Mirza Muhammad Shah and the son of Mirza Haji are with you, and you our slaves are directed to exert yourselves with heart and soul in forwarding supplies. You are further directed to remain obedient to the troops and to forward your revenue and your personal pecuniary offerings in token of your allegiance under the charge of your own trustworthy agents, and the military.

Second, dated 21st August 1857.

To

THE PRINCIPAL FARMERS, CHIEFS, LANDHOLDERS AND PEASANTS OF SONEPAT, PANIPAT, NAJAFGARH, BAHADURGARH, &C., AND TO THE VILLAGERS OF THE MEWANT.

You are hereby directed to give full obedience and respect to the authority of Mirza Abdulla Bahadur, son of Mirza Shah-Rukh Bahadur, and our own special grandson; and to that of the army of the Lord Governor General Muhammad Bakht Khan Bahadur, proceeding in your direction, and all you, slaves, are further directed to furnish all necessary supplies agreeably to all such orders as you may receive from the said prince and the officers of the army. You are moreover directed to send all such money as you may be forwarding on account of the revenue, or as offerings in token of your allegiance in the charge of your own trusted men, accompanied by a military guard from the prince's army, and on no account to entrust it to the care of others; observing every precaution in this matter, act according to these royal orders.

Third. No date.

To

THE SLAVE SIDDHARI SINGH, AND THE WHOLE OF THE TROOPS COME FROM NEEMUCH AND TO HIRA SINGH.

Learn!—That you are hereby ordered to proceed in the direction of Alapur, Panipat and Sonepat, there to join the troops come from Bareilly. In doing this you will consult your pleasure; you are required to act with unanimity in the service of the state, and to allow no delay in your departure. This order has been issued at the request of the Lord Governor Bahadur.

No.

PETITION of Muhammad Khwaja Hasan Khan, deputed to Saharanpur, &c., written from Muradnagar.

Dated 9th September 1857.

To

THE KING! CHERISHER OF THE POOR, LORD OF MANKIND, &C.

RESPECTFULLY SHEWETH,—That your petitioner has before this, both by petition and verbal messages, sent intelligence daily of the reported coming of the Europeans with six guns, for the purpose of desolating Muradnagar and Ghaziabad, and destroying the bridge over the Hindan, and requesting to be favored with reinforcements, that he might make a slaughter of the infidels. Your Majesty has not yet been pleased to bestow any aid. Information has just been obtained from travellers coming from Meerut, that the Europeans, accompanied by Ali Khan, the former subordinate collector of revenue in the service of the infidels, and bringing four guns, have left Meerut on their march in the direction of Muradnagar, with the object of attacking your petitioner and destroying the said bridge. Before this, some Europeans went with six guns from Happar and burnt the village of Pilkhoah, killing nearly 150 of its inhabitants. This force also intends moving in this direction. In consequence of this intelligence, your petitioner has taken up a position on the road with the whole force of cavalry and infantry, the men being kept under arms. Your petitioner has no reluctance to sacrifice his life in your Majesty's cause, but reflecting on the numerical weakness of his party, and the absence of artillery, he is to some extent afraid that the bridge may be broken. Should the bridge be in any way injured, (God forbid that it should be !) the movements of the troops and the conveyance of supplies will be entirely hindered. Your petitioner trusts that a reinforcement in infantry and artillery may be speedily despatched by your Majesty, so that the infidels may be effectually resisted. Prayers for the prosperity of the reign. Petition of the slave Muhammad Khwaja Khan, deputed to Saharanpur, &c., written from Muradnagar under date the 9th September 1857.

AUTOGRAPH ORDER BY THE KING, IN PENCIL

Mirza Moghal will act in accordance with the requisition in the petition.

Order on the reverse: probably by Mirza Moghal in furtherance of the King's order.—The Brigade Major Sahib is directed to take such measures as may be necessary.

Order also on the reverse, by the Brigade Major apparently.—Let an order be written directing the 14th Regiment of infantry to go out. Dated 10th September 1857, year of reign 21.

No.

ORDER FROM THE KING, WITHOUT SIGNATURE, CYPHER, SEAL, OR DATE.

(Probably an office copy.)

To

THE RAJAHS, NAWABS AND OTHER INFLUENTIAL RESIDENTS OF THE PROVINCE OF ALLAHABAD.

Consider yourselves receiving the royal favor. As our special slave, the chief Ali Kasim, has been appointed to the government of the province of Allahabad and the districts subordinate thereto, it will behove you to afford him your aid and co-operation in all matters, and in no instance to act contrary to his orders, or without his consent and approval. It is further incumbent that you should join him in exterminating the accursed English. If it shall appear that you have acted with zeal you will be graciously rewarded : if not, it will not be well for you.

Draft of an order on the reverse, without signature, cypher, seal or date.

To

THE NAWAB OF BANDA.

As our special slave, the Chief Ali Kasim, has been appointed Governor of Allahabad, it will behove you, immediately on receipt of this royal mandate, to join him with your artillery, cavalry and infantry, and exterminate the English. You are, moreover, directed not in any matter to act contrary to the views and wishes of the said chief. You are to consider these orders extremely imperative, and are to act in accordance with them.

No.

PETITION of Syad Muhammad Hasan.

No date.

To

The King ! Shelter of the World, &c., &c.

Respectfully Sheweth,—That your slave the petitioner has been in attendance since yesterday, but has not a place so much as to sit or stand in. I therefore pray that some quarters may be assigned to me and my companions, in all 84 Jahadis, where we may rest ourselves. It was necessary, and we have submitted it. Petition of the slave Syad Muhammad Hasan Jahadi, and well wisher to his Majesty's cause.

AUTOGRAPH ORDER OF THE KING, IN PENCIL.

You know what the state of the revenue just now is. May the Jahadis be amply commended for all the meritorious deeds they are performing.

The Court at 4 P. M. adjourns till 11 A. M. on Wednesday, the 3rd of March, to allow the Interpreter to translate extracts from native newspapers and other documents.

NINETEENTH DAY'S PROCEEDINGS.

Wednesday, March 3rd 1858.

The Court re-assembled this day at 11 A. M. in the Hall of Special Audience in the Palace at Delhi.

The President, Members, Interpreter and Deputy Judge Advocate General are all present.

The Prisoner, attended by his attorney Ghulam Abbas, is brought into Court.

The following 18 papers are now read in original by the Interpreter, and the translations of them are read and entered by the Judge Advocate as follows.

EXTRACT from the " Authentic News," page 285.

Local Intelligence.—*Persia.*—It is ascertained from newspapers from Persia, that the Persian King has issued orders to all his troops not absolutely employed in the different districts, to assemble and remain at Teheran till further orders, which they have been told they will be expected to carry out with heart and soul immediately on receipt. It is currently reported here that this demonstration against the Amir Dost Muhammad Khan is only a strategic move on the part of the King of Persia, to cloak his real design of fighting against and conquering the English, because, confiding in the British power, Amir Dost Muhammad Khan has allied himself to the English, and been the cause of all the disagreements between the English and the Persians. The King of Persia, however, has not openly thrown off amicable relations with the English, nor has he yet personally adopted a course of enmity against Amir Dost Muhammad Khan. It is nevertheless certain some change of feeling has taken place amongst the three powers.

No.

EXTRACT from the "Authentic News," No. IV, Vol. III, dated 26th of January 1857.

Local News.—*France.*—The newspapers all agree in declaring that the King of France and the Emperor of Turkey have not as yet openly avowed themselves the allies of either the English or the Persians; but the ambassadors of these two opposite parties secretly visit the courts of both the sovereigns above mentioned with gifts and presents. Some think that the King of France and the Emperor of Turkey will not mix themselves in the quarrel between the Persians and the English; but most people say, that they will both side with the Persians. Whatever is ascertained hereafter will be published without fail. As for the Russians, however, they make no secret of the readiness with which they are assisting, and will continue to assist the Persians, whether it be with funds or with forces. It may be said that virtually the Russians are the cause of this war, and that using the Persians as a cloak, they intend to consummate their own designs regarding the conquest of Hindustan. It is to be believed that the Russians will very soon take the field in great force. If any thing further is ascertained it will be published. Let the readers of the "*Authentic News*" be prepared to see what the veil of futurity will disclose.

No.

EXTRACT from the "Authentic News," No. II., Vol. III., dated 16*th March* 1857, *pp.* 82 *and* 83.

Local News.—*Court of Persia.*—It is discovered from late Bombay papers received at this press, that the King of Persia one day summoned a number of Herat chiefs, together with his nobles, to his Court, and had a conference with them regarding the war. After due deliberation, they all advised him unanimously to declare war against the English, expressing their dependence that God would will his being victorious, for, said they, " Taking Herat you will be in a position as though you had reached the doorway " into Hindustan." They further urged that the wish of the Russians too was that the Persians should go to war with the English, and should conquer India. On this the King declared with an oath, that he was greatly pleased with these courtiers who had given advice so opposite to that of his perfidious prime minister, and solemnly promised that on reaching India, he would appoint them to the Governorships of different provinces, *viz.*, one to that of Bombay, another to that of Calcutta, a third to Poona, and so on, and that he would bestow the crown on the King of Delhi. Just at this juncture, intelligence was brought that the prime minister had clandestinely sold the King's diadem jewelled with precious stones, through a merchant named Haji Ali, for a lakh and twenty-five thousand franks, giving him (the merchant) a portion of the money. On this, the King sent for the wily prime minister, and questioned him on the subject, but he denied all knowledge of the business. The King then had the merchant apprehended and fined, and expressed his displeasure in no measured terms with the prime minister for keeping up intrigues with people of other nations. It is reported that the duties of prime minister have been entrusted to some other statesman. It is said that the prime minister above alluded to generally counselled the King to maintain a peaceable policy. It was reported to the King that the Emperor of Russia had sent an effective and thoroughly appointed army of 400,000 men, with abundant munition, to assist him, and that portions of these had already joined the Persians, and it was also reported that the Emperor of Russia had declared that if the force should be insufficient for the intended wars and slaughter, the constabulary army would also be sent. In answer to these communications, the King spoke in terms of the highest praise of the Emperor Alexander of Russia, and issued instructions that funds for the expenses of the Russian army should be defrayed from his treasury, and that the courier from the Russian army should not want for any thing or suffer any inconveniences. After this, the French ambassador submitted as welcome news, that his sovereign, who had for some days been unwell, was now, by the blessing of God, restored to perfect health. The King hearing this, said, he thanked God for it. The Georgian ambassador now presented his master's compliments, and stated that contrary to the laws of England and Turkey, the sale of slaves of both sexes still continued in his country. Throughout Persia it is reported that the chief reason for the Persian King going to war with the English is that for five successive generations, the occupants of the Persian throne, intending to conquer India, had been accumulating all sorts of military munitions, and had been laying by treasures; but that no one of them had been able to work up his resolution to the undertaking, and that moreover Nasir-ud-din, the present sovereign, had himself long cherished the same wish, transmitted to him as it were hereditarily, when the present opportunity presented itself. On one side, Herat came easily into possession; on another, the unforeseen assistance of the Russians came to his aid; on a third, the nobles unanimously counselled an advance on India, predicting that God would bestow victory; and on a fourth, the whole nation rose and assembled as for a religious war, so that the King of Persia had no alternative but a declaration of war. It is also said that the Amir Dost Muhammad Khan, the ruler of Cabul, is secretly in league with the King of Persia, while he professes to the English that he is at deadly enmity with him, urging as his reason that the sovereignty of Cabul had formerly always descended in lines of Shah Kamran and Shuja-ul-mulk, and that the King of Persia had appointed the Prince Yusuf, his vice-gerent, in the government of Herat; that this Prince now counsels the King of Persia to take the sovereignty of Cabul from the Amir and to bestow it on him, that it is in consequence of this that the Persians are advancing towards Cabul, and that he seriously apprehends that Prince Yusuf, assisted by the Persians, will finally take Cabul from the Afghans in requital for Shah Shujah-ul-mulk's dispossession. On leaving for Cabul the Amir wrote a letter to the King of Persia, that he was altogether a subject of the Persian Sovereignty, and that he had no relations with the British Government.

No.

EXTRACT from the " Authentic News," No. XI., Vol. II., dated 19th March 1857.

PROCLAMATION OF THE KING OF PERSIA.—Copies of a proclamation in the name of the King of Persia have been put up at the entrances to the streets and lanes of Delhi. One of my friends took an exact transcript of the copy which had been put up on the back of the Jama Masjid. This proclamation was seen by most people. The purport of it in a condensed form is, that people professing the true faith should, as a matter of duty, eschew assisting the Christians, and should, as being right and proper, exert themselves to the full extent of their ability to promote the welfare of the Mussulmans, that the time is at hand, when God willing, we, the King of Persia, will sit on the throne of India, and will make the King and people of that country contented and happy. In the same measure as the English have done every thing to make them destitute of even the means of subsistence, we will exert ourselves to make them rich and affluent. We use no interference with any man's religion. Such is the substance of the proclamation. Moreover a person of the name of Muhammad Sadik Khan, by means of whom this proclamation has been made public, writes, that up to the 6th instant, 900 Persian soldiers, with some officers of high rank, had entered India, and 500 are staying in Delhi itself in various disguises, and as an instance, he mentions himself particularly as having reached Delhi on the 4th March, and circulated all the copies of the proclamation. He says that he receives intelligence from all parts of the country, that he sends accounts regularly of every thing occurring here to the King of Persia, that he will communicate to all, by means of proclamations, every intelligence regarding the despatch and advance of the Persian troops and whatever else may be worth making known.

People say that this proclamation has been contrived merely to get up idle speculations, and being of the same opinion, I too would ask, what is the object of Muhammad Sadik Khan's coming to Delhi? If his object is war, his coming in this way with such purpose is absolute absurdity. If he has come as a spy, then his publishing his presence by a proclamation is a senseless inconsistency, and the expenses of his mission a useless waste of money. Putting gain out of the calculation altogether, damage to his object is the likely result of such a course. Setting all this aside, however, it may be asked what cause for rejoicing would the Hindus have were the King of Persia to exercise sway over India? From the proclamation it appears that he intends himself to occupy the throne of India. The Hindus would only then have cause to be pleased if the King of Persia, acting like Abbas Shah Safi, should enthrone our own King, and where would be the wonder if he did so, for it was Taimur himself who bestowed Sovereignty on the Persians, and it was reflecting on this that induced the said Abbas Shah to assist Humayun.

No.

EXTRACT from the "Authentic News," No. XII. Vol. III., dated 23rd March 1857.

Proclamation in the name of the King of Persia.—Lately some designing and mischievous promoter of sedition of Delhi, imagining notoriety would be fame, placarded a proclamation purporting to be from the King of Persia on the back of the Jama Masjid, with the purpose of misleading the populace. The substance of this proclamation was, that the Mussulmans and Hindus should both refrain from helping the Christians, and that the King of Persia will shortly conquer Hindustan, and bestowing rewards and favors, will keep the people in peace and happiness. The man who circulated this proclamation has written his name as Muhammad Sadik Khan. It is said that the authorities at Delhi were very much annoyed by this absurd falsehood. I feel convinced that if any one will apprehend this misguided liar, he will get some pecuniary reward: but God knows whether he will or not. However, as for our good friend Mr. Muhammad Sadik Khan, the forgerer, who issued this proclamation, we feel sure that if he falls into the hands of Government, a double-soled shoe steeped in vinegar will be caused to make a precious good clatter on his scabby cranium, and his hair pretty well dishevelled. This fine gentleman with the *alias* will then learn, that a house of bricks may be turned into dust, and how aptitude for such frolics may be expelled through the nose, much in the same way as a cold in the head finds vent, and after what fashion our fine fellows of this stamp may have the breath taken out of them.

No.

EXTRACT from the Delhi " Urdu News," No. XV., Vol. XIX., dated 12*th April* 1857.

LOCAL NEWS.—*Cabul.*—A correspondent of the *Delhi Gazette,* writing from Cabul under date the 29th March, says, that the small force ordered by the Amir Dost Muhammad Khan to punish the people of Pesh Bolak and Surju Khail had returned to Jallalabad, after, as it appears, an engagement with Muhammad Shah Khan, in which nearly 30 of them were killed, and about the same number wounded. Although the Amir's soldiers took a great quantity of Muhammad Shah Khan's baggage, the Khan, to save his life, escaped to the forts in the country about Lumghan. The brother of Mirdad Khan had just arrived from Jallalabad, and informed the correspondent that the said Amir had marched in the direction of Tatmeg, but it was not known then whether he would celebrate the festival of the new years day at Ballabagh or at Cabul. The brother of Mirdad Khan also mentioned that some English Newspapers published in India were read to the Amir, in which the mismanagement of Government was canvassed in advancing money to the Amir, who, the papers said, was keeping up relations on both sides, and that on hearing this the Amir remarked, that when the English get into any difficulty they expended millions of pounds sterling, and that now when the Persians, instigated by the Russians, were planning the invasion of Afghanistan, with the ulterior design of disturbing the Government of India, the Governor General had, with wisdom and judgment, considered his, the Amir's alliance, worth having. The correspondent adds, that it is much discussed at Cabul that in consequence of the instigation and mischievous designs of Sultan Muhammad Khan, Inam Haji is exciting the inhabitants of the hill country, and that it is also currently reported that Sultan Jan has, with entreaty and supplication, applied to the Persian Commander-in-Chief at Herat for permission to invade Girrishk, affirming that the people of Girrishk have agreed to assist him on the condition that the taxes be remitted for three years.

No.

EXTRACT from the Newspaper in the Urdu tongue, styled " Compendium of News," No. VIII., Vol I., dated 13*th April* 1857.

LOCAL NEWS.—*Persia.*—Some days ago a proclamation was found placarded on a wall of the Jama Masjid. A sword and shield were depicted on it, and the following as coming from the Shah of Persia was the substance of the paper, *viz.* :—That it was a religious obligation on all true believing Muhammadans to gird their loins resolutely, to assist the King of Persia, and to be faithfully subject and obedient to his authority, and to fight and contend against the English, so that vanquishing and routing them in battle, they may receive and enjoy the favors, rewards and titles which the King of Persia will lavishly bestow on them. The proclamation also stated that the Persian King or second Jam would very soon come to India, and annex this country as a dependency, and that great multitudes of people had already assembled, and were constantly repeating the following couplet, as if from some involuntary and irresistible impulse :—" Oh God save the very dust of Persia from the winds of misfortune, so long as even dust and wind may exist." The news-writer states that the above is a translation from the Persian, but that it has not yet come to pass. Several petitions without names have been given into the Magistrate's Court on the same subject, and in these it was also mentioned that a month hence from this date, an overwhelming attack will be made on Cashmere, of the salubrity and beauty of which place a poet has said—

That should a parched and burnt-up soul reach Cashmere,
Though he might be a roasted fowl,
He would recover his wings and feathers.

and that this cool and heavenly country will come into the possession of the writers of the petitions. The writer of this paper considers all this as mere senseless and absurd jesting and levity, for if countries are liable thus to slip out of the hands of Governments, what is the use of armies !

No.

EXTRACT from the Newspaper in the Urdu tongue called the " Authentic News," No. XIX, Vol. III., dated 11*th May* 1857.

PROCLAMATION OF THE KING OF PERSIA REGARDING THE CONQUEST OF INDIA.—The Editor of the English newspaper called the *Panjabi*, in his issue No. XI., writes that on the capture of Mohumra, his correspondent found the translation of a proclamation in one of the princes' tents, the substance of which he communicated to the Editor by Electric Telegraph, and which he now publishes for the perusal of his readers. The following is the purport of the proclamation :—

" Let it be known that the English Government first planted their victorious standard in India, and step by step subjugated all the powerful princes of the Eastern provinces. Some short time ago they conquered Afghanistan, but relinquished it in consequence of what they suffered from the restless turbulence of the Afghans. After this they took possession of the cities of Lahore and Peshawur, and of other free and independent countries. They now wish to come through Afghanistan, and establish their sway in Persia also, and it is with this object that they are making friends of our neighbours and co-religionists, the Afghans, so that these may allow them to pass, and that they may then desolate and plunder Persia, and cause disunion among the professors of the true faith. Moreover, it has been heard that an English force, intended for the invasion of Persia by land, has already marched, and the English forces have taken a small maritime fort belonging to the Mahomedans, and have for its security placed a garrison in it, but the English do not allow their forces to advance, knowing that if they do so, they will feel the temper and sharp edge of the Mahomedan swords, and would soon be on the ground struggling in the agonies of death like fish out of water. Shah Nasir-ud-din, King of Persia, therefore has the greatest pleasure in making the following proclamation :—

Proclamation.—Let all the troops assemble at the different places on the frontiers of Persia to resist these enemies professing an antagonistic faith. It behoves the Arab tribes to act up to the precepts of the prophet (blessed for ever be he and his offspring.) Slay all those who have caused you affliction in the same way that they intended to afflict you. It is now necessary that old and young, high and low, wise and foolish, peasant and soldier, should all without hesitation rise to the assistance of their co-religionists, assume arms, raise the Mahomedan standard, and inform the members of their tribes of the declaration in the name of God, of a religious war of extermination, for God will bestow the fruition of their hopes on those defenders of the faith who will thus exert themselves, and we too will be much pleased with them. I have sent the Noble amongst Nobles, Mirza Jan Koshakchi Sabahi, the Champion of the Nation, the Chief Mir Ali Khan, and other Generals, Officers and Chiefs, with 25,000 troops, to different parts of Persia. The Prince Nawab Shamshir-ud-dowlat has been sent as Commanding Officer with a force of 30,000 men to Mohumra. Ghulam Hasan Khan, Duffadar, and Jafir Kuli Khan, have been sent with the cavalry regiments of Kurrachi Diggir to Kirman. 20,000 troops well equipped and appointed have been sent to Azibia and Karribia, and the Nawab Ahsan-us-Sultanat, with a force of 30,000 men, 40 guns and other munitions, has been detached in the direction of Kutch and the Northern Provinces of Sindh. These forces have been thus distributed, that they may conquer the Provinces of Afghanistan and then move onwards. The Chief Sultan Ahmad Khan, Shah Dowlat Khan, Sultan Ali Khan, and Muhammad Alam Khan have been appointed to join in the conquest of India in posts subordinate to the above officers. It is fully to be expected, from God's blessing, that they will be victorious. Accordingly, now is the time for all the people of that country, and all the tribes of Afghans who believe in the Kuran, and walk in the precepts of God's prophet, to join openly in the religious war of extermination, and to hold out the hand of support to their brother Mahomedans, for by doing so they will reap advantages both temporal and eternal. And as quelling disturbances along the frontiers even, is not so trifling a matter that it may be realized by a small force of the faithful, it is incumbent on all Mussulmans to assist with zeal and energy. Moreover let it be known to all the Afghan tribes that it is no intention of the King of Persia to conquer and annex Afghanistan as a dependency; but that, on the contrary, his real desire is that Kandahar should be subject to the Chiefs Rahimdil Khan and Kohundil Khan, and that Cabul should continue, as heretofore, under the sway and Government of the Amir Dost Muhammad Khan, and that all the Afghans may, as before, have the blessing of liberty. It is incumbent on the Amir Dost Muhammad Khan personally that he should adopt the counsel of his relations, and assist the Mahomedans, acting up to the traditional precept of the prophet, that he who will assist a member of the faith will receive a good reward for doing so. Hitherto, previous to the publication of this notice, Amir Dost Muhammad Khan used always to say that if the armies of Persia should go against a people of a different religion, he would join them with arms and money. It is manifest that now the time he used to speak of has arrived, that is, that I have declared war against the English solely in defence of the faith. Let the Amir Dost Khan now remember his promise, and join me against the enemies of the Mussulmans, and let him exert every energy in his power to slay them, for no blessing, however great, can exceed the opportunity to do so. If he is killed he will be exalted to the dignity of a martyr, if he lives he will be called a defender of the faith. In every point of view a religious war of extermination is a most meritorious undertaking. But (God forbid it should be so!) if the Amir acts in a different way, first, he will have denied his religion; secondly, he will be disgraced in the estimation of the world; thirdly, he will be called a coward; and fourthly, the wrath of God will be sure to visit him."

The Editor of the *Panjabi* says that the proclamation itself is a very lengthy paper, and that he has only an abstract of it, and the only good, he remarks, it seems to have done, as far as he can see, is that Mohumra was taken, and this paper found, for otherwise it is very unlikely it would ever have come here. It is quite enough, however, that the sun of the British prestige still shines unobscured. It is to be confidently believed that all the endeavours of the King of Persia will be to no purpose.

Here ends the extract from the *Panjabi*. We now proceed to quote from the *Englishman*. "It is rumoured that an effective and well appointed force will shortly come through the Bolan pass, but we do not credit this report, as the hot season has set in. We hear that the Chief Sultan Jan, nephew of the Amir Dost Muhammad Khan, who, taking some offence against his uncle, had joined the King of Persia, is now coming with some troops from Furrah towards Kandahar, feeling his way as he comes along. A body of Moghals devoted to their faith have proceeded in the direction of Persia. This event has caused much serious alarm to the Amir Dost Muhammad Khan, as these Moghals are reputed to be men of both strong religious principles and martial qualifications." On the 23rd April 1857, Major Lumsden, accompanied by some European officers, and Foujdar Khan, the government agent, arrived at

Narab. The Editor of the Kurrachee newspaper called the *Sindhian,* quoting the *Bombay Times,* states in his issue No. 33, that there is a report to the effect that 50,000 Persians, officered by some 3 or 4 Russians, had recaptured Bushire, but that the English had again taken the place, and that 3,000 Russians, who had part with the Persians in this fight, had suffered a very heavy loss: that a very large force is gradually assembling in the north; and that he hears the Russians are in a great strength towards the Caspian Sea and Bokhara. The Editor of the *Panjabi* writes that the Persians have fully completed their arrangements, and have established cantonments in several places, as for instance, at Awarganj, Kokan, Kursh, &c., where they have also accumulated large stores of necessaries. Ikram Khan, the Chief Muhammad Azim Khan, Haidar Khan, Afzul and Jallal-ud-din Khan, the son of the late Akbar Khan, are in league with the King of Persia, and Ghulam Haidar Khan has even been honored with a present of 36,000 rupees from the King of Persia, and is heart and soul devoted to him, and is looking out for the time when the roads will again be open. It will be nothing strange if the Persians shortly enter Kandahar, intending to advance farther. From the statements of travellers coming from Peshawur it appears that no reliance can be placed on the Amir Dost Muhammad Khan's engagements and compacts: but how observable is God's power by which he is thus openly sustained, notwithstanding, it is said, that there is a very large assemblage of the British troops just now at Peshawur. God forbid it ! but should a battle occur in that direction, a great slaughter will be the consequence. Just now, the source of news from Persia is closed: let not our readers imagine, as some ignorant people assert, that the British Government has prohibited the publication of intelligence. On the contrary, it is the wish of the Government that correct intelligence from distant parts of the world should be placed before the eyes of the public generally, and that the whole country may benefit by the newspapers, and this is the reason why the authorities themselves read the papers with a trust and confidence in their faithfulness, and expend their own private funds to encourage publishers and printers. But where is the help if the news itself is not forthcoming ? However, let such as are interested in news from distant countries patiently look out for an early gratification, for the next mail will certainly bring news of recent dates either of a peaceable or warlike character, and please God, I shall publish them too without prejudice or bias, for our government is a just one which does not hinder any in the free exercise of his rights, and this is the reason why its sway is daily extending, and why the arts and sciences have attained an eminence twice as great as that of former times. May the Almighty preserve this Government in the exercise of justice to the end of time.

No.

EXTRACT from the Newspaper in the Urdu tongue called the "Authentic News," No. I., Vol. IV., dated 6th July 1857.

PROCLAMATION OF THE KING OF PERSIA.—We learn from the statements of a man come from the Panjab that the King of Persia has issued a proclamation, of which the following is the purport :—

"Let all the troops assemble at different places on the frontier of Persia to resist these enemies professing an antagonistic faith, *viz.,* the English. It behoves the Arab tribes to act up to the precept of the prophet, (blessed for ever be he and his offsprings !) 'Slay all those who have caused you affliction in the same way that they intended to 'afflict you.' It is now necessary that old and young, high and low, wise and foolish, peasant and soldier, should all without hesitation rise to the assistance of their co-religionists, assume arms, raise the Mahomedan standard, and inform the members of their tribes of the declaration, in the name of God, of a religious war of extermination, for God will bestow the fruition of their hopes on those defenders of the faith who will thus exert themselves, and we too will be much pleased with them. I have sent the Noble amongst Nobles, Mirza Muhammad Jan Koshakchi Sabahi; the Champion of the Nation, the Chief Mir Alli Khan; and other Generals, Officers and Chiefs, with 25,000 troops, to different parts of Persia. The Prince Nawab Shamshir-ud-dowlat has been sent as Commanding Officer with a force of 30,000 men to Bushire, the place from which the English ran away to Bombay. Ghulam Hasan Khan, Duffadar, and Jafar Kuli Khan Mir Panja have been sent with the cavalry regiments of Kurrachi Diggir to Kirman. 20,000 troops, well equipped and appointed, have been sent to Azibia and Karibia, and the Nawab Ahsan-us-Sultanat, with a force of 30,000 men, 40 guns and other munitions, has been detached in the direction of Kutch and the northern provinces of Sindh. These forces have been thus distributed that they may conquer the provinces of Afghanistan, and then move onwards. The Chief Sultan Ahmad Khan, Shah Dowlat Khan, Sultan Ali Khan, and Muhummad Alam Khan have been appointed to join in the conquest of India in posts subordinate to the above officers. It is fully to be expected, from God's blessing, that they will be victorious, and that they will not leave the English any resting place this side of London. Accordingly, now is the time for all the people of that country, all the tribes of Afghanistan, and the inhabitants of India who believe in the Kuran, and walk in the precepts of God's prophet, to join openly in the religious war of extermination, to stand by their faith, and to hold out the hand of support to their brother Mahomedans, for by doing so they will reap advantages both temporal and eternal. It is incumbent on all Mussulmans to assist with zeal and energy in this matter. Moreover, let it be known to all the tribes of Afghanistan and India, that it is no intention of the King of Persia to conquer and annex Afghanistan as a dependency; but that, on the contrary, his real desire is that Kandahar should be subject to the Chiefs Rahimdil Khan and Kohundil Khan; Cabul to the Amir Dost Muhammad Khan; and India to the house of Taimur. It is incumbent on the Amir personally to adopt the counsels of his relations and assist the Mahomedans, and to expel from his heart the avarice of getting a lakh of rupees a month, according to the tradition that it is a saying of the prophet, that he who will assist a member of the faith will receive a good reward for doing so. Hitherto previous to the publication of this notice Amir Dost Muhammad Khan used always to say that if the armies of Persia should go against a people of a different religion, he would join them with armies and money. It is manifest that now the time he used to speak of has arrived, so let the Amir exert every energy in his power to kill the enemies of the Mahomedans, for no blessing can be greater than the opportunity to do so. If he is killed he will be venerated as a martyr, if he lives he will be called a defender of the faith. In every point of view a religious war of extermination is a meritorious undertaking. But (and God forbid it should be so!) if the Amir acts in a different way, he will to a certainty be called a Christian, and the wrath of God will shortly fall on him. The King of Persia has sent also the following letter to the Amir Dost Muhammad Khan. 'Oh! Amir! have you joined the English, and become a renegade from your faith! I, as a Mussulman, counsel you to separate yourself from this people, and to join me and contrive means for their ruination. Know, moreover, that all the Mussulmans complain that the Amir, by joining the English, has brought disgrace on the true religion. If avarice is the cause of your conduct take twice the amount of gold from me. And have you not heard what breaches of treaties and engagements this race have practiced with the princes and chiefs of Hindustan?' The

Amir evinced much respect for this letter, and resolved on coming in this direction himself accompanied by the Chief of Swat. The King of Persia has entered Herat, and the troops at Kandahar have totally cut up the English, who had gone forward in advance."

No.

EXTRACT from the Newspaper in Urdu called the " Authentic News," No. V., Vol., IV., dated 3rd August 1857.

ARRIVAL OF THE PERSIAN ARMY.—A friend of mine possessing great judgment, and speaking the Persian tongue, who has recently arrived, states that the Persian forces, which had for a considerable length of time been lying at Furrah near Herat under the command of Sultan Jan Khan, son of Kohundil Khan, have now, with the permission of the King of Persia, moved on Kandahar. Hearing this, the son of Amir Dost Muhammad Khan met them with two or three thousand effective and disciplined soldiers. The battle lasted full six days, and some hundreds were killed and wounded on both sides. Eventually the Amir's son fled from the field and took refuge in the fort, when the Persian Troops completely invested Kandahar, and have almost cut off supplies of water and food. The Amir's son has therefore applied for some reinforcements from Cabul, which it is said the Amir Dost Muhammad Khan will send very shortly; it is said also that the Amir has sent a letter full of entreaty and supplication to the King of Persia, saying that he is as any other of the King's subjects or servants, that he has no desire to have any thing to do with helping the English, and urging the King certainly to advance his troops towards India, promising that he will not hold back in any thing he may be able to do in the way of furnishing supplies or assisting with forces. It was reported also that the Amir will send the King of Persia some money and presents of valuable rarities. The Prince Muhammad Yusuf, Chief of Herat, is in the habit of communicating to the King of Persia all matters of intelligence connected with Hindustan and the perfidious English. The King of Persia has great confidence in this prince, and occasionally adopts some of his suggestions and ideas.

No.

EXTRACT from an Editorial article in the Newspaper in Urdu called the " Authentic News," No. VI., Vol. IV., dated 10th August.

CRAFTINESS OF THE KING OF PERSIA.—With reference to the fact that the King of Persia, after several fights with the accursed unbelieving English, sent proposals for peace through Farrukh Khan, I saw through it from the first, that it was not without an object. As a poet says, "The civilities of a censor are not disinterested:" and I felt convinced that there was some concealed craftiness in the proposals. I now feel I have reason to compliment myself on my penetration, for I now learn from a trustworthy slayer of the accursed infidels, that the real object of the Persians was that they might continue in occupation of Herat, and the English retire from Abushahr. Accordingly, the event has been as was expected. In observance of the treaty of peace between the two powers the English completely evacuated Abushahr; but when this was done, the King of Persia would not give up Herat. At this, the English are very much ashamed and vexed, and say that they will bring the Persians to a proper understanding for this. This, however, is only an idle threat; we should reflect, when they had some power, much or little as it may have been, what were they able to do then that they would do over again now? The same person states also that the Persians, considering the present opportunity one which should not be lost, have advanced on this side of Kandahar, in force to the extent of 50,000 men; that the Amir Dost Muhammad Khan is, to all appearances, still keeping up his friendship with the cursed infidels; but that secretly he is using all means of instigation and persuasion with the Persians, and that it is in consequence of this that the Persian army, some officers of which are from amongst the nobles of Cabul, is steadily advancing towards India. Continuing to hear such news as the above, the Christians are becoming more alarmed, and admit that the downfall of the Company has now certainly come.

No.

EXTRACT from the Newspaper called the Delhi "Urdu News," No. XXXIV., Vol. XIX., dated 23rd August 1857.

News of the Persian Army.—Some people coming from the direction of Peshawar and the Panjab, state that the Persian army has reached Attok. Although I do not fully believe this myself, I have published it as hearsay gossip, for the thing is possible, and not by any means so unlikely, that it should at once be considered and pronounced false. But nevertheless it must be admitted that from the way in which people just now talk, no intelligence can be relied on or believed. Under these circumstances, when inserting news, it is right to avoid observations and speculations in reference to it.

No.

EXTRACT from the Newspaper in the Urdu language called the "Authentic News," No. VIII., Vol. IV., dated 24th August 1857.

Near approach of the Persian Army.—The Editor of the "*Triumphant News*" says, he has heard from some people coming from the direction of Peshawar that the Persian army has fought its way up to Attok. The Editor does not believe this, but for several reasons it appears to me deserving of credence. *First,* No man says any thing unless he has some little grounds.—*Secondly,* There is a prophecy of the saint, the revered Shah Niamut-Ulla Moulavy in verse, to the following effect: "After the fire-worshippers and Christians shall have held sway over the whole of Hindustan for 100 years, and when injustice and oppression shall prevail in their government, an Arab prince will be born who will ride forth triumphantly to slay them."—*Thirdly,* When the troops mutinied at Multan, some of the men stated, that their officers had for a long time been maintaining an interchange of letters with the King of Persia.—*Fourthly,* A spy sent by the King of Persia, hearing that a friend of mine in the British dominions was a staunch zealot for Mahomedanism, met and told him that the King of Persia had definitely determined on coming to India. Thus then, whether he come early or late, there is no doubt he will come. God only has prescience of the future.

No.

EXTRACT from the Newspaper in Urdu, called the "Urdu News," No. XXXVII., Vol. XIX., dated 13th September 1857.

Local News.—*Persia.*—Some people now again say that the Persian army has come through the Bolan and Bibi Narri passes, and that the Amir Dost Muhammad Khan cheerfully gave them a free passage through his dominions; but according to the common Indian adage that "A Brahman believes in the promise of a feast only when he gets it," the people of India will believe this matter only when they have some ocular proof; but from certain signs nevertheless we cannot help allowing credence to some extent. For whether the present intelligence be correct or false, we must believe that the Persian troops will come, whether by Bolan or Bombay or Sindh it does not matter. God only is all-powerful and omniscient.

No.

ORDER UNDER THE OFFICIAL SEAL OF MIRZA MOGHAL, AS COMMANDER-IN-CHIEF OF THE ARMY.

Dated 13th September 1857.

To

THE EMBLEM OF VALOR, THE CHIEF POLICE OFFICER OF THE CITY OF DELHI.

May you be protected.

Intelligence has just been brought that the English intend making a general attack to-night, you are therefore directed to have it proclaimed by beat of drum throughout the city, that it is incumbent on all the inhabitants, whether Hindu or Mahomedan, from a due regard to their faith, to assemble immediately in the direction of the Cashmere Gate, bringing iron picks and shovels with them. Consider this order imperative.

No.

COPY OF AN ORDER FROM THE KING, WITHOUT SIGNATURE, CYPHER OR SEAL, BUT THE ORDER WAS ISSUED UNDER HIS SEAL.

No date.

To

OUR SON, THE ILLUSTRIOUS AND VALIANT MIRZA ZOHUR-UD-DIN, OTHERWISE MIRZA MOGHAL BAHADUR.

Learn! That when the troops, infantry and cavalry, first came to the royal presence, I told them personally, by word of mouth, that I had no treasures or property with which to assist them, but that I had no reluctance to stake my life if that could help them. They all expressed themselves satisfied with this declaration on my part, and even pledged themselves to sacrifice their lives in subordination and obedience to my commands. On this, they were directed, as the first step, to make proper provisions for the magazine and treasure, so that they might afterwards be profitably used by them and me. After this, they took up their quarters in the Halls of Special and Public Audience, the Mahtab Garden, and other places, and behaved just as they pleased. In consideration of their ignorance, and from a regard for their comforts, the servants of the state were prohibited from preventing them. In the next place, although no promise had been made in the matter, money was borrowed in order that daily allowances might be paid to every man of the cavalry and infantry. Repeated injunctions have been issued prohibiting plunder and aggression in the city, but all to no purpose; for although ten days have now elapsed, the same evils are prevailing to the present time. Moreover, the regiments of infantry have certainly left the Halls of Special and Public Audience, but notwithstanding that they were imperatively ordered to encamp outside the city, and the men of the army, whether cavalry or infantry, were prohibited going about armed through the city, and oppressing the inhabitants, yet one regiment of infantry has taken up its quarters at the Delhi, another at the Lahore, and a third at the Ajmir Gate, within the walls of the city, and have thoroughly desolated several of the bazars. Moreover, without reference to night or day, they enter and plunder the houses of the inhabitants on the false plea that they have concealed Europeans. They force locks and shop-doors and openly carry away the property from the shops, and they forcibly loose the horses of the cavalry and take them off. They commit these excesses in the face of the fact that all cities taken without military operations have ever been exempted from sack and slaughter. Even Jangiz Khan and Nadir Shah, kings execrated as tyrants, gave peace and protection to such cities as surrendered without resistance. Moreover, the men of the army go about threatening and intimidating the royal servants and the inhabitants of the city.* ...... Again although repeated orders have been issued to the infantrymen occupying the royal farash-khana, and the regiment of cavalry staying in the garden to vacate these places, they have not yet done so. These are places which not even Nadir Shah nor Ahmad Shah nor any of the British Governor Generals of India ever entered on horseback. The troops first requested that the princes royal might be appointed to the different commands in the army, promising they would obey them. This was done. They next urged that it would afford them greater confidence, if dresses of honor should be bestowed on the princes to give a character of stability to their appointments as commandants, and if all the (European) prisoners should be killed at once. This was also complied with: and the same day a notification, under the special seal, was issued publicly, proclaiming that courts of justice had been established in the city, and prohibiting acts of violence on the part of the soldiery. This even had no effect. Setting aside all these points, it may be remarked that whenever the most distinguished officers of the highest ranks in the service of the British Government visited the palace, they dismounted at the door of the Hall of Public Audience, and came from thence on foot. These soldiery, however, used, till recently, to come galloping up to the Hall of Special Audience on their horses, and as a last resort, both the gates were closed, a wicket only being left open; but they still ride up to the Hall of Public Audience, and the Jalwa-khana, unsuitably dressed, and without their turbands, in utter disregard to the forms of respect due to royalty. The officers of the army too make a practice of coming into court carelessly dressed, wearing caps instead of turbands and carrying their swords. Never during the British rule did any members of their profession behave in this way. Again, notwithstanding that they have themselves uselessly wasted the whole of the magazine stores, and the money that was in the treasury, they now clamorously demand allowances daily, and above all, daily take allowances for more men than are present. Besides this, with oppression and violence they forcibly take away the wares of the shop-keepers in the city without paying for them, and commit, moreover, every variety of other excesses and aggressions imaginable. The state of things outside the city also demands notice. In consequence of no military troops going out to keep order, hundreds of people are being murdered, and the property of thousands is being plundered. As regards the civil administration of the country, in consequence of the insufficiency of the royal troops for the management of the whole of the provinces, revenue and police officers cannot be established, and yet none of the military troops, whether cavalry or Infantry, can be prevailed on to move out beyond the palace and city. Under these circumstances, it is matter for distressingly serious reflection how supplies are to be procured from the country, and how the revenues of the state are to be realized. Accordingly, nothing but the total desolation of the city and country can be expected as the inevitable end of this state of matters. In addition to all that has been above noticed, the soldiery accusing the royal servants of entertaining views and feelings opposite to their own, subject them to indignities, and when they come to claim their daily allowances or ammunition enforce their demands with unbecoming assumption of authority, notwithstanding that the royal servants, in consequence of orders to them to that effect, use nothing but entreaty and every other means of conciliation, and yet the soldiery will not be satisfied Under these circumstances, how is it to be believed that these people can have the welfare of the state at heart, or that they cherish any desire to yield subjection and obedience to the royal authority? It is further to be considered, that there is no money in the royal treasury, and the city merchants having been plundered and ruined have no longer the ability to provide a loan. How then are the daily allowances to be paid for any length of time? and when they shall, of necessity, have been discontinued, and the supplies from the country shall also have ceased, what will be the state of things then? The most ridiculously singular part of the proceedings of the soldiery is, that while they themselves commit these acts subversive of all rule, they lay the blame of the misrule on the royal servants. In short, when such is the return made by the soldiery, it is evident that they have no desire to act in any way to the advantage and benefit of the government, and it is equally evident that the utter ruin of the sovereignty must ensue. Wearied and helpless, we have now resolved on making a vow to pass the remainder of our days in services acceptable to God, and relinquishing the title of sovereign fraught with cares and troubles, and in our present griefs and sorrows, assuming the garb of a religious mendicant, to proceed first and stay at the shrine of the saint Khwaja Sahib, and, after making necessary arrangements for the journey, to go eventually to Mecca. It should be considered that when these troops came, the King's servants or the residents of the city did not oppose them in any way, nor did they commit any act of hostility against them, and they are accordingly not liable to the forfeiture of life and property: for if, as the representative of the feelings of the people, we had considered the soldiery in the light of enemies, why should we have made common cause with them, and why should we have directly associated our offspring with them in their undertaking? The tyranny and oppression now prevailing are a disgrace to our royal self, as tending to the belief that we, as sovereign, are a party to them, and that we approve of rapine and murder. It is worthy of consideration that when there is amity and good feelings between the king and populace on the one side, and the army on the other, is it by acts like these that the soldiery mean to prove their good-will?—acts which even an enemy or hostile force would not commit. The more praise-worthy and prudent course for them would have been to protect and cherish the people, to study the approbation of the sovereign, and to preserve unanimity and fellowship with the servants of the state. It was the peace and quiet which would have resulted from this line of conduct that we had expected. You, our son, will now therefore send for all the officers of the cavalry and infantry, and explain to them that if they are really disposed to serve the state, they ought to execute a written agreement to that effect according to a form which will be furnished: when, for their assurance and satisfaction, we also will give them a written document: and that they should take immediate steps to suppress the evil and unbecoming acts and proceedings now prevailing: that the tents of the infantry regiments be this very day removed to the outside of the city: that every soldier of the army proved guilty of the murder and plunder of any resident of the city be adequately punished, so that others may have no hopes of impunity for such acts: and that whenever royal orders directing the movements of regiments, whether singly or in numbers, with the view of their quelling disturbances and keeping order in the country may be issued, they should march without murmur or grumbling, and should make no obstinate demands for provisions and ammunition beyond such as may be reasonable. Certainly, when authentic information of the near approach of the English army is received, both these regiments will be at liberty to return, and then fight and engage in the operations of war as they may themselves arrange and deem expedient, and also determine what amount of forces should be severally kept in different places, and distribute the army accordingly. Then there will be a necessity for the troops being within the city ; but there is none just now, seeing the country and city are being alike desolated, and none of the soldiery can be prevailed on to move from his quarters to make the least effort. You will further explain to them that if they are not disposed willingly and unanimously to acquiesce in the above views and wishes, desiring rest and quiet, we shall adopt the profession of a religious mendicant, and shall go to the shrine of the Khwaja Sahib. Let none of them say any thing to prevent this step, but let them quietly remain masters of the palace, the city and the country. For none of the kings of the oldest antiquity, nor of the warriors who came after them down to modern times, ever subjected any one claiming shelter and quiet to oppression and hardship, but freely allowed him his own way. You will get the army to embody their answer to the two alternatives presented herein for their selection in a petition which you are directed to have attested with the seals and signatures of the officers, and to forward to the royal presence. You are directed to consider this not as any light or trivial business, for in consequence of our advanced age and infirmity, we are not able to support the burden of such excessive anxiety. The government of a nation, and the control of an army are not to be treated with the same levity as child's play.

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* A short sentence here is illegible

No.

COPY OF A ROYAL ORDER WITHOUT SIGNATURE, SEAL OR CYPHER, PROBABLY AN OFFICE COPY.

Dated 17th July 1857.

To

THE SPECIAL SLAVE, EMBLEM OF VALOR, SIDDHARI SINGH, OF THE MHOW FORCE, AND SHEKH GHOUS MUHAMMAD, HIRA SINGH AND OTHER OFFICERS COMMISSIONED AND NON-COMMISSIONED OF THE FORCE COME FROM NEEMUCH.

Consider yourselves receiving the royal favor, and know that your petition dated 15th July 1857, reporting your arrival at Muttra, and applying for two siege guns with ammunition was perused by His Majesty.

His Majesty's written order is now sent to you, and you are directed to comply therewith and come to the royal presence. Be assured of my kindness.

No.

TRANSLATIONS of Copies of four documents as below :—

1st.—Copy of a petition from Muhammad Bakht Khan, purporting to enclose a missive for the ruler of Jummoo, that the King's special seal might be affixed to it.

2nd.—Copy of the King's order on the above petition.

3rd.—Copy of the missive to the Ruler of Jummoo which formed the enclosure to the above petition.

4th.—On the reverse, copy of an order to the officers of the army.

There are notes on all these papers to the effect that copies had been taken, and from this it would appear that at the time the originals were despatched, the office books *must have been in arrears, and that these hastily written copies were taken, that when the books should be written up to date, the copies in the books might be made from them.*

First.—A petition from Muhammad Bakht Khan, purporting to enclose a missive for the ruler of Jummoo that the King's special seal might be affixed to it.

Dated 22nd August 1857.

To

THE KING! SHELTER OF THE WORLD!
(May his prosperity continue!)

YOUR MAJESTY,—I enclose a missive to the address of the ruler of Jummoo, and pray that it may be authenticated with an impression from the special Seal in the cypher, and returned to me. Prayers for the prosperity of the reign. Petition of the special slave. Copy of seal upside down thus:—

Muhammad Bakht Khan,
Commander-in-Chief of the Army.

Secondly.—The King's order on the above petition.

The Seal* on this petition has been affixed upside down. However this autograph order is written right.

The special Seal engraved in the cypher has been affixed agreeably to your request to the missive which is now sent to you.

Thirdly.—The missive to the ruler of Jummoo, which formed the enclosure to the petition:—

Dated 22nd August 1857.

To

THE DEVOTEDLY FAITHFUL AND ZEALOUS RAJAH GULAB SINGH, RULER OF JUMMOO.

Consider yourself honored and learn. That I have been made thoroughly acquainted, by your petition, with all the particulars of the slaughter throughout your territory of the accursed unbelieving English. You are considered worthy of a hundred commendations. You have acted in this matter as all brave men ever acquit themselves. May you live and prosper! Of the small number of infidels, who in jeopardy of their lives had betaken themselves to their entrenchments on the ridge, considering them a refuge and protection, many have been killed, and the very few holding on in their precarious existence are equally doomed to extermination, and will now very soon receive the punishment due to their iniquities. The Bombay force, numerically above 60,000, has now safely reached Ajmir, having sought out and slaughtered all the accursed unbelievers about Bikanir, Jodhpur, Kotah, and Jaipur, and in the districts belonging to them, and will, it is reported, now reach the seat of government, Delhi, in a week or ten days. May God protect them from all evils! Under these circumstances, you are directed not to take into account the difficulties to be expected from the present being the wet season of the year, but giving due respect to this order, immediately on receipt to use all diligence to come to the royal presence, bringing your tributary contributions of money with you, and to slay the accursed unbelieving English and all other enemies wherever you may find them on the way. Whatever may be your hopes and expectations, the dignity and elevation to which you will be promoted amongst your equals, will surpass all that you may be able to imagine, and you will further be rewarded and dignified with the title of Rajah. Consider yourself the object of our favor.

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* An accident of this kind in the matter of affixing a seal is by some natives considered ominous of failure which the King's notice of the accident may have been supposed sufficient to avert.

Fourthly.—Copy of an order to the officers of the army :—

To

THE OFFICERS OF THE REGULAR CAVALRY, INFANTRY AND ARTILLERY.

When complete victory shall have been obtained, and the revenues of the conquered countries shall again, as heretofore, be paid into the treasury, the pay of the troops will be regulated according to the following scale :—

Trooper of regular cavalry	20 rupees per mensem.
Private in the regular infantry	10 rupees per mensem.
Private in the regular artillery	Blank.
Other troops—	
Trooper	14 rupees per mensem.
Foot soldier	8 rupees per mensem.

The monthly allowances of all others will be fixed by reference to their qualifications and exertions, and as the protection of the people is very much desired, all those who will oppress or ill-use them will receive due punishment. You are urged to trust in God's blessing, and cherish full hopes of victory, and of the realization of the revenue, and, thus animated, to exert every energy for the welfare of the State, and with full confidence of success, to fight with courage and intrepidity. You are directed to act according to these orders.

The Court at 2 P. M. adjourns till 11 A. M. to-morrow morning, to enable the Prisoner to complete his defence.

TWENTIETH DAY'S PROCEEDINGS.

THURSDAY, MARCH 4TH 1858.

The Court re-assembled this day at 11 A. M., pursuant to adjournment of yesterday. The President, Members, Interpreter and Deputy Judge Advocate General are all present.

The Prisoner, attended by his attorney Ghulam Abbas, is brought into Court.

The Prisoner now delivers to the Court his defence, written in Hindustani, which is now read in original by the Interpreter.

The Court, at ½ past 12 o'clock, adjourns till 11 A. M. on Tuesday, the 9th instant, to enable the Interpreter to translate the defence, and the Judge Advocate to reply to it, and sum up the evidence.

TWENTY-FIRST DAY'S PROCEEDINGS.

TUESDAY, MARCH 9TH 1858.

The Court re-assembled this morning at 11 A. M. in the Hall of Special Audience in the Palace at Delhi, pursuant to adjournment of the 4th instant.

The President, Members, Interpreter and Deputy Judge Advocate General are all present.

The Prisoner, attended by his attorney Ghulam Abbas, is brought into Court.

The Judge Advocate now reads the translation of the Prisoner's defence, which is entered as follows:—

TRANSLATION of the written defence put in by Bahadur Shah, Ex-King of Delhi.

The real facts are as follows. I had had no intelligence on the subject previously to the day of the outbreak. About 8 o'clock A. M, the mutinous troopers suddenly arrived and set up a noisy clamour under the palace windows, saying they had come from Meerut after killing all the English there; and stating, as their reason for having done so, that they had been required to bite with their teeth, cartridges greased with the fat of oxen and swine, in open violation of the caste of both Hindus and Mussulmans. When I heard this, I immediately had the gates under the palace windows closed, and sent intelligence to the Commandant of the Palace Guards. On receiving the message, he came personally, and wishing to go out where the troopers were collected, requested that the gate might be opened. I kept him from his purpose, however, and when I would not allow the gate to be opened, he walked up to the balustrade, and said something to the troopers, who then went away. After this, the Commandant of the Palace Guards left me, saying he would make arrangements immediately to put down the disturbance. Very shortly after, Mr. Fraser sent a message for two guns, and the Commandant another for two palanquins, saying that two ladies were staying with him, and requesting that I would have them taken to and concealed in my private female apartments. I sent the palanquins immediately, and gave orders at the same time that the guns should also be taken. Very soon after this, I heard that before the palanquins could reach them, Mr. Fraser, the Commandant of the Palace Guards, and the ladies had all been killed. Not long after this the mutinous soldiery rushed into the Hall of Special Audience, crowding into the Court-yard, the Hall of Special Audience itself, and the Hall of Devotion; surrounding me completely and placing sentries on all sides. I asked them what their object was, and begged of them to go away. In reply they told me to remain a quiet spectator, saying that they had staked their lives, and would now do all that might be in their power. Fearing that I should be killed, I kept quiet and went to my own private apartments. Near evening, these traitors brought as prisoners some European men and women whom they had found in the Magazine, and resolved on killing them. I had recourse to persuasion, and succeeded in getting their lives spared for the time. The mutinous soldiers, however, kept them prisoners in their own custody. Subsequently, on two occasions, they again determined on killing these Europeans, when I again restrained them from their purpose by entreaty and persuasion, and saved the lives of the prisoners. However, on the last occasion, though I again did all in my power to reason with the rebellious soldiery, they would not heed me, and carried out their purpose of slaying these poor people. I gave no orders for this slaughter. Mirza Moghal, Mirza Khair Sultan, Mirza Abul-bakr, and Basant, one of my own personal attendants, who had leagued with the soldiery, may have made use of my name; but I have no knowledge that they did; nor do I know that my own armed retainers, acting independently of my orders, joined in the slaughter. If they did so, they may have been urged on to it by Mirza Moghal. Even after the massacre, no one gave me any information regarding it. In reference to what some of the witnesses have said in evidence regarding my servants having joined in killing Mr. Fraser and the Commandant of the Palace Guards, I make the same answer, *viz.*, that I gave them no orders. That if they did so, they did it of their own free will. I had no knowledge of it, and this matter also was not communicated to me. I swear by God, who is my witness, that I did not give orders for the death of Mr. Fraser or of any other European Mukund Lal and other witnesses in saying that I did, have spoken falsely. That Mirza Moghal and Mirza Khair Sultan may have given orders would not be strange, for they had leagued with the revolted soldiery. After these occurrences, the rebellious troops brought Mirza Moghal, Mirza Khair Sultan, and Abulbakr, and said they wished to have them as their officers. In the first instance, I rejected their request; but when the soldiery persisted, and Mirza Moghal in anger went off to his mother's house, from dread of the soldiers I kept quiet in the matter, and then by mutual consent on both sides, Mirza Moghal was appointed to be Commander-in-Chief of the army. As regards the orders under my seal, and under my signature, the real state of the case is, that from the day the soldiery came and killed the European Officers, and made me a prisoner, I remained in their power as such. All papers they thought fit, they caused to be prepared, and, bringing them to me, compelled me to affix my seal. Some times they brought the rough drafts of orders, and had fair copies of them made by my secretary. At other times, they brought the original letters intended for despatch, and left copies of them in the office. Hence several rough drafts in a diversity of hands have been filed in the proceedings. Frequently they had the seal impressed on the outside of empty unaddressed envelopes. There is no knowing what papers they sent in these or to whom they sent them. There is a petition in the proceedings without an address from Mukund Lal to some unknown party, in which a list is given of the number of orders issued on that date. In this catalogue it is distinctly specified that so many orders were written under the direction of so and so; so many others under that of such a one; and so on; but not one is ascribed to me. Accordingly, this also proves, that whoever wished, had orders written as he chose, without my authority, not even acquainting me with their purport, while I and my secretary being in jeopardy of our lives, could not dare to say any thing in the matter. It was just the same case as regards the petitions bearing orders in my own writing. Whenever the soldiers or Mirza Moghal, or Mirza Khair Sultan, or Abulbakr, brought a petition, they invariably came accompanied by the officers of the army, and brought the order they desired, written on a separate piece of paper, and compelled me to transcribe it with my own hand on the petition. Matters went on so far in this way that they used to say, so that I might hear them, that those who would not attend to their wishes would be made to repent their conduct, and for fear of them I could say nothing. Moreover, they used to accuse my servants of sending letters to and of keeping in league with the English, more particularly the physician Ahsan Ulla Khan, Mahbub Ali Khan, and the queen Zinat Mahall, whom they said they would kill for doing so. Thus one day, they did actually plunder the physician's house, and made him a prisoner, intending to kill him; but refrained from their purpose only after much entreaty and supplication, keeping him a prisoner, however, still. After this, they placed others of my servants in arrest, for instance Shamshir-ud-dowlat, the father of the queen Zinat Mahall. They even declared they would depose me, and make Mirza Moghal king. It is a matter for patient and just consideration then, what power in any way did I possess, or what reason had I to be satisfied with them? The officers of the army went even so far as to require that I should make over the queen Zinat Mahall to them that they might keep her a prisoner, saying she maintained friendly relations with the English. Now, if I was in the full exercise of power and authority, should I have permitted the physician Ahsan Ulla Khan's and Mahbub Ali Khan's imprisonment; and should I have allowed the physician's house to be plundered? The mutinous soldiery had established a court in which all matters were deliberated on, and such measures as, after deliberation, were sanctioned by this council, they adopted; but I never took any part in their conferences. Thus, without my knowledge or orders, they plundered, not only many individuals, but several entire streets, plundering, robbing, killing and imprisoning all they chose; and forcibly extorting whatever sums of money they thought fit from the merchants and other respectable residents of the city, and appropriating such exactions to their own private purposes. All that has been done, was done by that rebellious army. I was in their power, what could I do? They came suddenly, and made me a prisoner. I was helpless, and constrained by my fears, I did whatever they required, otherwise they would immediately have killed me. This is universally known. I found myself in such a predicament that I was weary of my life, while my officials had no hopes of theirs being spared. In this state of things, I resolved to accept poverty, and adopted the garb, colored with red earth, of a religious mendicant, intending to go first to the shrine of the Kutb Sahib, thence to Ajmir, and from Ajmir eventually to Mecca; but the army would not allow me; it was the soldiery who plundered the Government magazine and treasury, and did what they pleased. I took nothing from them, nor did they bring any of the plunder to me. They, one day, went to the house of the queen Zinat Mahall, intending to plunder it, but did not succeed in breaking open the door. It should accordingly be considered if they were subservient to my authority, or had I been in league with them, how would these things have occurred? In addition to all this, it is worthy of consideration that no person demands the wife of the *poorest* man, saying "Give her to me, I will make her a prisoner." As regards the Abyssinian, Kambar, he obtained leave from me to go on a pilgrimage to Mecca. I did not send him to Persia, nor did I send any letters by him to the Persian King. Some one has falsely circulated this story: Muhammad Durwesh's petition is no document of mine that it should be trusted: if any enemy of mine or of the Mian* Hasan Askari has sent this petition, it ought not to be relied on. As regards the behaviour of that rebellious army, it may be stated that they never saluted me even, nor showed me any other mark of respect. They used to walk into the Hall of Special Audience and the Hall of Devotion with their shoes on. What confidence could I place in troops who had murdered their own masters? In the same way that they murdered them, they made me a prisoner, and tyrannized over me, keeping me on in order to make use of my name as a sanction for their acts. Seeing that these troops killed their own officers, men of high authority and power, how was I, without an army, without treasure, without stores of ammunition, without artillery, to have resisted them, or make arrangements against them? But I never gave them aid in any shape. When the mutinous troopers first arrived, the gateway under the palace windows beng in my power, I had it closed. I sent for the Commandant of the Palace Guards, and acquainted him with what had happened, and prevented his going amongst the mutineers. I also immediately sent two palanquins for the ladies, and two guns for the protection of the palace gate, on the several requisitions of the Commandant of the Palace Guards and the Agent to the Lieutenant-Governor. Moreover, I dispatched a letter the same night by camel express to His Honor the Lieutenant-Governor of Agra, acquainting him with the calamitous occurrences which had happened here. So long as I had power, I did all that I was able. I did not go out in procession of my own free will. I was in the power of the soldiery; and they forcibly did what they pleased. The few servants I engaged, I engaged for the protection of my own life, in consequence of my fears of the revolted and rebellious troops. When these troops prepared to abscond, finding an opportunity, I got away secretly under the palace windows, and went and stayed in Humayun's Mausoleum. From this place I was summoned with a guarantee that my life should be spared, and I at once placed myself under the protection of the Government. The mutinous troops wished to take me with them, but I would not go. In all the above which I have caused to be written from my own dictation, there is not the smallest falsehood nor deviation from truth. God knows, and is my witness, that I have written only what is strictly true, and the whole of what I can remember. I told you with an oath, at the commencement, that I would write only the truth, without addition or deficiency; and so I have now done.

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* A term similar or equivalent to "His Honor" or "His Reverence."

Attested with autograph cypher.

Postscript.—With reference to the copy of an order to Mirza Moghal, complaining of the acts of the soldiery and explaining my resolve, in consequence, to go to the shrine of the Khwaja Sahib and thence to Mecca, which has been filed in the proceedings, I declare that I have no recollection of such an order having been issued. The order in question is in the Urdu tongue, contrary to the rule in my secretariat office, where all such papers were written in Persian, and I accordingly do not know how and where it was prepared. It appears that seeing I was thoroughly wearied by the army, and that I had in consequence resolved on discarding the world, accepting poverty and going to Mecca, Mirza Moghal must have had it written in his office, and had my seal affixed to it. At all events, my displeasure against the army as well as my perfect helplessness is proved by the order in question also, which corroborates all that I have said above. As regards the other documents, besides the one just referred to, *viz.*, the copies of the missive to the address of Rajah Gulab Singh: Bakht Khan's petition: my autograph order on it attested with my seal: and other papers which have been filed in the proceedings: I affirm that I have no recollection of them: but I have already stated that the officers of the army caused whatever orders they chose, to be written without my knowledge, and had them attested with my seal; and I feel convinced that these must be of the same kind; and that they must have compelled me to write with my hand the order they wished on Bakht Khan's petition, in the same way that they did in the case of every other petition.

Autograph cypher.

The Judge Advocate General then addressed the Court as follows :—

GENTLEMEN,—It will be my object, in the present address, to collect the different facts which have been elicited in the course of these proceedings, and to furnish them to you as far as possible in the order in which they originally occurred. Our investigation has involved inquiry over a period of several months, when rebellion was rampant in this city: and I trust we have succeeded in tracing, with considerable minuteness, many of the different events as they evolved themselves during the time to which I have referred. Our labors indeed have not had this limit, or we should only have accomplished what might, I think, be termed the least important part of our duties. In immediate connection with the facts elicited are the charges on which the Prisoner has been arraigned: and, though his former rank and royalty will doubtless add somewhat of temporary importance to the verdict which you will this day be called upon to record, yet whether it be one of acquittal or conviction, it must, I imagine, prove light in the balance when weighed against those more monstrous points to which so much attention has been, and for a long time will still be, directed. I of course allude to the causes, either remote or immediate, which gave rise to a revolt unparalleled in the annals of history, either for the savagery which has been its distinctive feature, or for the suddenness with which elements, hitherto deemed utterly discordant on the score of religion, have united themselves in a common crusade against a faith which, as regards the inhabitants of this country, whether Mahomedan or Hindu, was certainly a most unaggressive one. I fear, however, the subject is still but imperfectly elucidated; and I may perhaps be in error in attributing to a religious influence a movement which, after all, may prove to have been merely a political one,—a struggle of the natives for power and place, by the expulsion from the country of a people alien in religion, in blood, in color, in habits, in feelings, and in every thing. Whatever the final opinion on this subject may be, the questions, which as far as I am aware of have not as yet found a satisfactory solution, are, by what circumstances was this most atrocious revolt, with its series of massacres brought about: and who were its prime original instigators? I feel sure the members of this Court will join with me in deeming that our proceedings do not furnish a full and complete answer to such questions, and why do they not?—I believe it is simply owing to the circumstance that any merely local investigation must be inadequate to collect evidence from the different quarters and sources, which are no doubt available elsewhere. We may still, however, hope that our efforts on this point have not been fruitless or unavailing;—if we cannot congratulate ourselves on an entire success, we may perhaps be allowed credit for a near approach to it. Few, I imagine, will peruse these voluminous proceedings without coming to the conclusion that intrigues and conspiracy have long been rife at this fostering Court of Delhi. Insignificant and contemptible as to any outward show of power, it would appear that this possessor of mere nominal royalty has ever been looked upon by Mahomedan fanaticism as the head and culminating star of its faith. In him have still been centred the hopes and aspirations of millions. They have looked up to him as the source of honor, and, more than this, he has proved the rallying point not only to Mahomedans, but to thousands of others with whom it was supposed no bond of fanatical union could possibly be established. To throw the fullest light on a subject like this, is not the work of a day, or of a month; time, the great revealer of secrets, will doubtless, sooner or later, lay bare the springs from which a stream of so much evil and misery has flowed; but, till then, we must be content with such views as our present investigation affords. That we have been able to unravel many of the secret workings of the conspirators, will, I believe, be conceded:—but let me not anticipate. This is a point of our enquiry on which I purpose to offer some observations hereafter; but a concise narrative of events will perhaps best suit the commencement of this address.

I may state then, that 85 men, non-commissioned officers and troopers of the 3rd Light Cavalry, who were tried by General Court-martial at Meerut in May last, for refusing their cartridges, had their sentence read to them and were ironed on the parade ground early on the morning of the 9th of May, and that the mutiny of the three native regiments at Meerut first openly developed itself at about ½ past 6 o'clock on the evening of the 10th of May; during which interval of nearly 36 hours there were, of course, plenty of opportunities for interchange of communications between the native troops who first rebelled at Meerut, and those who joined them at this station. To travel from one place to another by coach used ordinarily to take about five hours, and that the mutineers availed themselves of this facility of mutual intercourse, has, I think, been clearly established by the evidence of Captain Tytler. It appears from his statement, that a coach, full of these Meerut mutineers, came on Sunday evening to the lines of the 38th Native Infantry, doubtless to prepare the sepoys of this station for the arrival and suitable reception, on Monday morning, of their rebel comrades, and although we may not possess positive evidence to the fact, yet it may fairly be presumed that Sunday evening was not the first occasion that these plotters of evil held their secret and sinister councils together. Indeed we have it on record that, even before the Court, which tried the mutinous cavalry at Meerut, had come to any decision on their case, a compact had been entered in to the effect that if the use of greased cartridges was persisted in, the troops at Meerut and Delhi would unite, and at once unfurl the standard of revolt: and so fully had this arrangement been perfected and agreed on, that it is related that the sepoy guards at the gate of the palace on Sunday evening, made no secret of their intentions, but spoke openly among themselves of what they expected to occur on the morrow. To understand the merits and demerits of the whole transaction, it must be recollected that, at the time when these resolutions were arrived at, there was not a single greased cartridge in the magazines of either of the three native regiments at Meerut, nor, as far as I have been informed, of those at Delhi either. It must be further borne in mind that the native soldiers themselves were the persons who were perhaps the best informed on these points:—that the cartridges for practice had, from time immemorial, been manufactured in the regimental magazines by persons of their own color, creed and religious persuasion;—that it was absolutely impossible to palm off on them a spurious article:—that the regimental khalassies, who were employed in making these cartridges, must have at once discovered their impurity, if such had really existed;—that, in fact, objectionable cartridges, (I mean such as would affect the religious prejudices of either Mussulman or Hindu), could not possibly have been made in their regimental magazines, as in such case the very men to be employed in their manufacture would have refused their work:—but, more than this, let it be remembered that the *Mahomedan* has no caste, that even the hybrid such as the Mahomedans of Central India has become, half Mussulman and half Hindu, does not pretend to a loss of religion, even from touching pork. Who is there amongst us that has not and does not almost daily witness these Mahomedans, in the capacity of table servants, carrying plates and dishes which openly contain the very substance which, in reference to the cartridges, has been made the pretence and the stumbling block of their offence. Even if we were to admit that all the cartridges were thoroughly saturated with pig's and with cow's fat, still what real valid objection on the score of their religion could the *Mahomedan* sepoys have had in using them? Their brothers and other relatives in the private service of officers never hesitate to handle or cook the dishes which they are required to bring to our tables. The objections of the *Mahomedan* sepoys on this head are so transparently false, that it can hardly be a matter of wonder that not one man of sense or respectability among them appears ever to have come forward to seek information or satisfy himself as to the truth or falsity of rumours so industriously circulated about these cartridges that were to be the means of depriving them of their faith. Some few—very few—honourable exceptions have certainly held aloof from, and openly repudiated the conduct of their brethren: but such men have wanted neither guarantees nor explanations in regard to a matter which was patent to all, but have come to their own conclusions on a subject where error had no abiding place and mistake is incredible. That neither Mussulman nor Hindu had any honest objection to the use of any of the cartridges at Meerut or at Delhi, is sufficiently proved by the eagerness with which they sought possession of them, and the alacrity with which they used them, when their aim and object was the murder of their European Officers, or when, united under the banners of the Prisoner at your bar, they, for months, constantly went forth to fight against the power to which they owed fealty and allegiance. Among the very numerous petitions which have been brought under your notice during these proceedings, it may have struck the Court as very strange that there is not a single one in which the slightest allusion is made to what the sepoys would have us believe to be their great and particular grievance. We have had upwards of 180 petitions before the Court, written on all possible subjects—from the tinkering of a cooking pot, to the recovery of a mule, or a crack in a horse's hoof;—and each thought worthy of the sign manual of royalty—but in the free indulgence of such correspondence, when they evidently unburthened their minds to their adopted sovereign, and were certainly not restrained by any delicacy of language or of feeling, from venting their acerbity against their quondam European masters, we can find no trace of the original sin, no grease spot staining these effusions of disloyalty. How instructive is it that, among themselves, and when applying to us such language as "damnable hell-doomed infidels," they apparently forego the first specific offence, which they would have us believe has led them to mutiny and rebellion, and the perpetration of crimes at which humanity shudders! When with each other, and, as they conceived, safe from the intrusion and enquiries of British officers, that insurmountable obstacle to their fidelity and allegiance, the greased cartridge is, apparently, altogether lost sight of. Not a whisper is heard of a grievance which, if a substantial one, must ever have been uppermost in the memories of all;—must have been continually rankling in their minds and embittering their thoughts;—must have influenced them in their blood-thirstiness;—and, to themselves, have been their only extenuation for crimes such as may well exclude them from mercy. What a contrast this to their speeches when uttered with a prospect of reaching European ears!—Greased cartridges are then always brought forward; the use of them forms the one continuous nightmare of the sepoy's existence. Really, if we reflect seriously on this,—if we remember that in reality there was not a single greased cartridge among either of the three regiments which first broke out into mutiny, murdering, not only men, but unoffending women and children, and that the sepoys were perfectly aware of this;—when we call to mind that, even if greased cartridges had existed, and the use of them been required at the hands of these miscreants, not one of the *Mahomedans* at any rate could possibly have been injured thereby in any caste prejudice, or placed even in temporary difficulty with regard to his religious tenets;—when to this we add, what is well known to every one in India, whether Hindu, Mahomedan or European, *viz.*, that the native soldier has but to ask for his discharge, and that, in time of peace, it is at once granted to him, without enquiry or difficulty of any kind;—it seems beyond the bounds of reason to imagine that these men were drawn into acts of such revolting atrocity by any grievance either real or imagined. Let the chimeras, the disturbed dreams of fanaticism, of wickedness, or of folly have been what they may;—let the instigations to evil have been as industrious as possible;—and then allow that the sepoys to be worked upon, were as credulous as the grossest ignorance could make them;—still, if the greased cartridge had been the only weapon the tamperers had to work with,—but the one envenomed shaft in their quiver—how easy was the remedy! It required no depth of knowledge, no philosopher to inform them, that they could at once escape from every possible perplexity by simply applying for their discharge. I know not, Gentlemen, what conclusion you may arrive at on this much vexed question, but, after pondering it in every way in which my reason has presented it to me, I am obliged to infer that something deeper and more powerful than the use of greased cartridges has been resorted to.

The machinery that has set in motion such an amount of mutiny and murder, that has made its vibrations felt almost at one and the same moment from one end of India to the other, must have been prepared, if not with foreseeing wisdom, yet with awful craft, and most successful and commanding subtlety. We must recollect, too, in considering this subject, that in many of the places where the native troops have risen against their European officers, there was no pretext even in reference to cartridges at all. Numbers of these mutinied, apparently, because they thought there was a favorable opportunity of doing so;—because they were a hundred to one against those in authority, and fancied that they might pillage, plunder and massacre, not only with impunity, but with advantage. Is it possible that such fearful results as these could have at once developed themselves, had the native army previous to the cartridge question been in a sound and well affected state? Can any one imagine that that rancorous wide-spread enmity, of which we have lately had such terrible proofs, has been the result of feelings suddenly and accidentally irritated? Does it appear consistent with the natural order of events, that such intense malignity should start into existence on one single provocation? Or can it be reconciled with the instincts, the traditions, or the idiosyncracies of the Hindus, that they should, recklessly, without enquiry, and without thought, desire to imbrue their hands in human blood, casting aside the pecuniary and other advantages that bound them to the cause of order and of the Government? Or, more than this, can it be imagined that the three regiments at Meerut, even when joined by those at Delhi, could have conceived an idea so daring as that of overthrowing, by themselves, the British Government in India?

I think, Gentlemen, every one must allow that if we had no other evidence of a plot, no testimony indicative of a previous conspiracy, the very nature of the outbreak itself must have convinced us of the existence of one. In the moral, as in the physical world, there must be cause and effect; and the horrible butcheries of the past year would remain an anomaly and a mystery for ever, could we trace them to nothing more occult and baneful than a cartridge of any kind. It will be observed, that this point of the cartridges, so openly and frequently insisted on, at Meerut and elsewhere, before the 10th of May, gradually becomes more and more indistinct as the plot gathers strength and matures itself, and after furnishing the mutineers with their first war cry at Delhi, it seems to have answered its purpose, and thenceforward was allowed to sink into disuse and neglect. With little or no vitality at starting, it soon died a natural death, and was succeeded by a reality of purpose, and a fixedness of resolve, that would have been worthy of a better cause. If we review the actions and whole conduct of these mutineers, we shall soon see that, from the very commencement, they bear the impress of cunning and of secret combination. For instance, 85 of their comrades were ironed before them and sent off to jail in their presence on the morning of the 9th of May; but this occasioned no outbreak of fury. Not a sound or token of dissatisfaction escaped from the men, who, then and long before, must have had rebellion in their hearts; no gesture indicative of sympathy with the culprits was exhibited by any; in fact, as far as appearances could be trusted, the infantry regiments at Meerut, and the remaining portion of the 3rd Cavalry, were as obedient and loyal as could possibly be desired: and this deception was successfully resorted to till their plans were matured, and the moment for open revolt had arrived. The night of the 9th of May, twelve hours after the imprisonment of the 3rd Cavalry mutineers had taken place, was as favorable an opportunity as the night following, for a march upon the nearest magazine; but there had not then been time for preparing the Delhi sepoys for a movement which the progress of events at Meerut had doubtless precipitated sooner than their first calculations had led them to expect. Hence the necessity for communicating afresh with Delhi, and acquainting the sepoys there with the drama that was to be enacted on Monday the 11th. That such was done is established by the evidence of Captain Tytler; for it would be difficult to assign any other motive for a carriage full of sepoys coming over from Meerut on Sunday evening, and driving straight into the lines of the 38th Native Infantry.

Again, we can perceive, in the very hour chosen for the outbreak at Meerut, the same evidence of cunning and of craft. The plan, too, of the Meerut cantonments gave considerable facilities for carrying out their plot. The native lines are so completely separated from that portion of the cantonments where the European troops reside, that the disturbance and uproar attendant even upon open mutiny could not be heard, or even known, from one to the other until specially communicated. Officers may naturally have been too intent on quelling the rebellion of their men to think of officially reporting it. Be this as it may, there would be some delay in turning out and supplying the Europeans with cartridges, assembling their officers, and marching down a distance of not less than two miles; so that taking one delay with another the mutineers might fairly calculate, considering it was an utter surprise to all, on 1½ hours of safe and uninterrupted progress; and as the outbreak commenced at ½ past 6, this would have secured them darkness and comparative security for their further operations. This was what in effect actually took place. On the Europeans reaching the native lines, it was already dark; no sepoys were to be seen, and no one could tell whither they had gone. Subsequent enquiry revealed that, guided by the instinct of cunning, the rebels had not, at first, taken the direct or main road to Delhi, neither had they left Meerut in military formation, but as dusk set in, had gone forth in parties of 5, 6 or 10 to their fixed place of assembly. This was judicious for their departure from Meerut, but would have been highly impolitic for their entry into Delhi, where there were no European troops to avoid. Something more imposing and demonstrative was required here; and accordingly we find them crossing the bridge simultaneously, massed in columns, and in complete military array, with a portion of the cavalry sent forward as a regular advanced guard.

It is on this occasion that we first prove the mutineers in immediate connection with the Prisoner at your bar. The first point to which they turn—the first person to whom they address themselves, is the titular majesty of Delhi. This circumstance has much significance, and, at any rate, tends to show that previous concert existed between them. The Prisoner's complicity, however, was, immediately after, openly to commence. Scarcely had the very serious nature of the outbreak had time to develop itself, than his own special servants,—in the very precincts of his palace,—and almost, as it were, before his own eyes, rush to imbrue their hands in the blood of every European they can meet with; and, when we remember that two of these were young and delicate women who could have given no offence;—whose sex and age might have tamed any hearts less pitiless than those of the human demons who destroyed them;—we are able to realize some slight portion of he horribly unnatural influences that appear innate to Mahomedan treachery. How otherwise was it possible that education,—the pride of royal ancestry,—a life of tranquil ease and comparative refinement,—should not have exempted this old and grey-headed man from all connection with deeds which seem too barbarous for the very outcasts of humanity, or even for the untamed but less savage denizens of the jungal.

We stop to enquire whether it has been proved in this Court, and will be repeated in after years, that the last king of the imperial house of Taimur was an accomplice in this villainy. The circumstances shall now be fairly stated. These murders were committed in the broad glare of day, before dozens of witnesses, and without the slightest attempt at concealment. They were perpetrated, as has been already stated, by the Prisoner's own retainers, and within the limits of his palace, where, be it remembered even under the Company's Government, his jurisdiction was paramount. I shall not, however, attempt to infer that these murders must have been previously sanctioned by the Prisoner,—mere inferences on such a point cannot be accepted in a Court of Justice. I prefer to quote from the evidence. It is Ahsan Ulla Khan, the physician, who is speaking, and who says, that at the time referred to, he and Ghulam Abbas the attorney in Court, were with the King, when it was told them that the troopers had killed Mr. Fraser, and had gone up to

Captain Douglas to kill him, and that this was instantly confirmed by the return of the palkee bearers, who told them that they had witnessed Mr. Fraser's murder; that his body was in the gateway, and that the troopers had ascended to the upper building for the purpose of murdering those there. Why the witness suppresses all mention of the prominent part the King's own servants took in these massacres, can easily be imagined. In a subsequent part of his examination, he even asserts that he never heard that any of the King's servants joined in these murders, nay more, that it was not generally known who committed them! Such is the evasion of the King's own physician, who doubtless was aware of the importance that would necessarily attach to this point. It was not generally known who committed these murders! and, yet, at this lapse of time, we have had no difficulty in tracing the individuals, and ascertaining their names. It was not generally known that the King's own servants were the murderers! and yet we find this very circumstance prominently and specifically mentioned at the time in the native newspapers of the city. I need not, after this, recapitulate the evidence of all those who have clearly and satisfactorily proved that the King's servants were the murderers; for their testimony stands unshaken and unrefuted. It will amply suffice if I quote the statement of one of them, and which is as follows:—"At this time Mr. Fraser "remained below, trying to suppress the disturbance: and while thus engaged, I noticed "that Haji lapidary cut him down with a tulwar, and, almost at the same instant, some "of the King's servants cut at him with swords till he was dead. One of Mr. Fraser's murderers was an Abyssinian. After this, they made a rush to the upper apartments, when "I immediately ran round by another door and closed the door at the top of the stairs. I "was engaged in shutting all the doors, when the crowd found entrance by the southern "stair, and having forced one of the doors on that side, came and gave admission to the "men who had assisted in murdering Mr. Fraser. These immediately rushed into the "apartments where the gentlemen, *viz.*, Captain Douglas, Mr. Hutchinson and Mr. Jennings, had retired, and attacking them with swords, at once murdered them and the two "young ladies. On this I ran down the staircase. As I got to the bottom, I was laid hold "of by one Mundoh, a bearer in the service of the King, who said, 'Tell me where Captain "'Douglas is; you have concealed him.' He forced me upstairs with him, I said, 'You "'have yourselves killed all the gentlemen already'; but on reaching the room where Captain Douglas was, I saw that he was not quite dead. Mundoh perceiving this also, hit him "with a bludgeon on the forehead, and killed him immediately." Having now established that the murderers of these ladies were the special servants of the Prisoner, it will be well to revert to the testimony of the physician, Ahsan Ulla Khan, and to ascertain from him the steps the Prisoner took on the murders being reported to him. The only order he gave on this occasion appears to have been to close the gates of his palace, and we naturally enquire whether this was for the purpose of preventing the escape of the murderers. The evidence distinctly proves that it was not. The physician being further interrogated, is obliged to confess that the Prisoner took no steps whatever either to discover, to secure, or to punish the guilty, and attributes it to there being much confusion at the time; but if the King's authority had actually been set aside, and by his own servants too, this would have been the most forcible of all reasons for immediately re-establishing it, by at once bringing the offenders to justice. That this was not done we have been already informed, and we can only account for it on the supposition that these acts of the Prisoner's servants, if not instigated by himself, had yet actually anticipated his wishes. We are thus perfectly prepared for what is to follow, *viz.*, that no servant was ever dismissed, and not the slightest investigation or enquiry was ever instituted; in fact, in the words of the question put to the witness, the King continued these murderers both in his pay and in employment, and this too, as we have seen, when the very newspapers of the day gave information against them ! After this, is it necessary to question whether he adopted these deeds as his own or not? I need not quote what may be the law of the land on such a point, for there is a yet higher law which must acquit him or condemn him, the law of conscience and of sense ; that law which every one who hears me can apply, and which carries with it a verdict more terrible than that which is pronounced in mere conformity to legal codes or military legislation: it is a law that does not depend upon local constitutions, upon human institutes, or religious creeds : it is a law fixed in the heart of man by his Maker : and can it now here be set aside?

Perhaps it may now be time to turn our attention to what was doing at the magazine, and to trace the further steps of the mutineers in that direction. Captain Forrest has told us that it was about 9 o'clock in the morning when the main body of the native troops from Meerut was passing over the bridge in military formation, (that is, in sub-divisions of companies,) with fixed bayonets and sloped arms, the cavalry being in front. It was actually in less than one hour after this that a Subadar of the 38th Native Infantry, who was commanding the magazine guard outside the gate, informed them that the King of Delhi had sent a guard to take possession of the magazine, and to bring all the Europeans there up to his palace, and that if they did not consent to this, none of them were to be allowed to leave the magazine. Captain Forrest adds that he did not see the guard at this time, but that he saw the man who had brought this message, and he was a well dressed Mussulman. Nor was this all, for shortly after the above, a native officer in the King's service arrived with a strong guard of the King's own soldiers in their uniform, and told the above-mentioned Subadar and the non-commissioned officers that he was sent down by the King to relieve them of duty.

We thus see with what alertness and despatch this most important object, the seizure of the magazine, was attempted. Is it, however, to be believed that such was the ready, immediate, and, as it were, impulsive decision of the King, or of those who formed the Court? To attribute to them any thing of this nature, would be to give them credit for a coolness of calculation, combined with a quickness of apprehension, such as pertains only to the more gifted of mankind. The scope and entire progress of the scheme speak loudly of a plan previously arranged, and of deliberations long matured by the counsels of many. Indeed, it is difficult to conceive that any one, not previously initiated in the secret, could, on the moment, so promptly and so effectually have entered upon and adopted the details necessary for carrying it out. You will recollect the extreme importance of the decision, the magnitude of the interests at stake. You will call to mind the cogent reasons and the numerous arguments, that would naturally array themselves against adopting so headlong and precipitate a measure. It was, in fact, an invitation to a King to league himself with ruffians and with cut-throats. Any inducement or prospective advantage that they could hold out to him was faint and almost imperceptible, compared with the open risk which he was to encounter. By embarking in so forlorn a cause, he imperilled every thing ; his own life, and those of all belonging to him, and for what? The distant glimmer of a crown, which common reason, or the slightest consideration, would have convinced him was a mere ignis fatuus—a mockery of a sceptre, that would evade his grasp. Are we to imagine that it was under such circumstances that this weak and tremulous old man seized and improved his occasion, and with all the rapid instinct of determination, directed his own troops upon the magazine, to establish himself there as the one point of primary and most vital importance : and this too in the first moment of a surprise when nothing but riot and disorder reigned supreme? Or are we to suppose that there was a secret and a deeper knowledge of what the other portions of the army were already ripe for, and that the five or six regiments to commence with, were but the instalments of those that were to follow? Or, if such previous understanding and collusion did not exist either with the King or any of those immediately about him, are we to attribute to superstition and the pretended revelation of dreams, circumstances which scarcely admit of satisfactory solution by any more sober process? We have all heard, in this Court, of the vision of a hurricane that was to arise from the West with a great flood of water devastating the whole country, but bearing up on its surges this descendant of ancient royalty, and that this vision, as interpreted by Hasan Askari the priest, signified annihilation to the English infidels by the power of the King of Persia, who was to restore sovereignty to the heirs of the throne of Hindustan. Was it a reliance upon this, that expedited the otherwise tardy movements of these Asiatics, and gave breadth and boldness to their decisions? I am aware that under other circumstances, and in any but an Eastern land, such unmeaning flights of a bewildered imagination would be too trivial to dwell upon,—too unsubstantial for the gravity of comment; but here, in seriously considering the nature and progress of an extensive military revolt, they obtrude themselves on the mind, as subjects capable of influencing for evil the destinies of thousands.

These observations have been elicited by the marked and unusual energy displayed in making the magazine the point of instant attack. It seems to me that such cannot be accounted for by conspiracy among the sepoys alone, for it was the King's own troops who were the first to seek possession, and the military and systematic way in which this was done, betrays the authority by which the orders were issued. There was no confusion here, no attempt at pillage: non-commissioned officers were appointed to the separate guards for the different gates of the magazine, while another guard superintended the laborers who were removing the stores that happened to be outside. How could such decision, such instant transformation from chaos to system and to order have resulted, had not the King or some of his officials been entrusted with a sort of programme of events? How, in fact, could the King's troops have been in readiness and preparation for such work without warning of some kind?

If I have not succeeded in tracing to the King himself, a foreknowledge of the leading events that were to take place on Monday the 11th of May, I trust it has been made obvious that the secret was in the possession of some influential inmates of the palace. The babbling garrulity of the prince Jawan Bakht sufficiently indicates this, for such is his joy at the anticipation of murdering the English, that he is unable to restrain his expressions of it. My chief object, however, has been to render clear what I believe to be the truth, *viz.*, that the conspiracy, from the very commencement, was not confined to the sepoys, and did not even originate with them, but had its ramifications throughout the palace and the city: and do not the murders which we have already adverted to, tend to corroborate this fact? We have evidence that the mutineers of the 11th and 20th Regiments of Native Infantry, before the Magazine was exploded, proceeded to attack and escalade it, and it is then for the first time that we find the King, through his troops, acting in open alliance with these traitors to their government. From that moment there is no further disguise, and no attempt at concealment. Fairly launched into the stream of sedition, he is hurried onward by the swollen flood which was not however to bear him, as he imagined, to the throne of Hindustan, but to leave him in its ebb a mere helpless wreck upon the sands.

I would here pause for a second, to refer to Lieutenant Willoughby, and to the brave men under him, who, for so long a time, held, against unnumbered odds, the magazine entrusted to them. One hardly knows which to admire most, the penetration and sagacity which, at a glance, foresaw the possible necessity for its destruction, and made arrangements accordingly; or the undaunted resolution with which the final sacrifice was accomplished. To do justice to such heroism will be the pleasing duty of the historian. I can merely give it a passing notice, having to dilate on other matters more immediately connected with the proceedings before us.

With the explosion of the magazine at Delhi, every hope of stemming the torrent of rebellion seems to have vanished; resistance had been there protracted to its utmost possible extent; the sacrifice was a final one; and thenceforward the European community if, in isolated spots, still preserving the appearance of Government authority, were left without one vestige of real power, so that it soon became a duty to the state and to themselves to save their lives by a timely retreat. Delhi was consequently abandoned to the miscreants who had in the short space of 24 hours stained themselves with crimes which can scarcely be equalled in all the catalogues of bygone iniquity. It is now that we find the King coming personally forward as the chief actor in that great dráma which had more than England and Europe for its spectators: the progress of which was watched with such absorbing interest every where by the antagonistic powers of civilization and of barbarism. The evidence shows that on the afternoon of the 11th of May, the King, having entered the Hall of Special Audience, seated himself in a chair, when the soldiery—officers and all—came forward one by one and bowed their heads before him, asking him to place his hands on them. The King did so, and each then withdrew, saying whatever came into his mind. The witness, *viz.*, Ghulam Abbas, the Prisoner's attorney in Court, informs us that this ceremony of the King putting his hands on the heads of the soldiery was equivalent to accepting their allegiance and services; and he further states, that though he is not aware of any regular proclamation having been made in Delhi in reference to the King assuming the reins of government, yet that such may have been done without his hearing of it; but that on the very day of the outbreak the King's authority was established, and that night a royal salute was fired of about 21 guns

These matters bring us to the charges against the Prisoner, and it may perhaps be as well now to consider them, not so much in regard to dates as the sequence in which they have been drawn up. The first charge against Muhammad Bahadur Shah, Ex-King of Delhi, is: "For that he, being a pensioner of the British Government in India, did, at Delhi, " at various times between the 10th of May and 1st of October 1857, encourage, aid, and " abet Muhammad Bakht Khan, Subadar of the Regiment of Artillery, and divers others, " native commissioned officers and soldiers unknown, of the East India Company's Army, in " the crimes of Mutiny and Rebellion against the State." I am not going to weary the Court by repeating even a tenth part of the evidence which has been brought forward to establish these charges, but it is perhaps necessary to show that proof of them has been recorded. Mr. Saunders, Officiating Commissioner and Agent to the Lieutenant-Governor, has explained under what circumstances the Prisoner became a pensioner of the British Government in India, *viz.*, that his grandfather, Shah Alam, after having been kept in rigorous confinement by the Mahrattas, on their defeat by the English in 1803, applied to the British Government for protection. This was accorded, and from that moment the titular Kings of Delhi became pensioned subjects of the British. It will be seen, then, that, as far as this family is concerned, there was no wrong to be complained of, and nothing but benefits to be remenbered. The Prisoner's grandfather Shah Alam had not only lost his throne; but had his eyes put out, and been subjected to every species of indignity, and was still kept in most rigorous confinement, when the English, under Lord Lake, appeared as his deliverers, and, with generous sympathy for his misfortunes, bestowed on him rank and pension which, continued to his successors, have maintained them in honor and in influence, till like the snake in the fable, they have turned their fangs upon those to whom they owed the very means of their existence. The evidence that connects the Prisoner with Muhammad Bakht Khan, Subadar of the Artillery, and which of itself will be sufficient to establish the charge, is a document from beginning to end in the Prisoner's own handwriting:—

" To

THE ESPECIAL SLAVE, THE LORD GOVERNOR, MUHAMMAD BAKHT
KHAN BAHADUR.

" Receive our favor, and understand that whilst the Neemuch Force have reached Alapur, its baggage is still here, and that you are therefore directed to take 200 troopers and 5 or 7 companies of infantry, and have all the baggage alluded to, such as tents, &c., together with commissariat supplies, conveyed by the gharis to Alapur. You are further directed not to allow the infidels staying near the Edgah to advance. Be it known to you further, that if the army returns without victory, and divested of its appliances of war, the consequence must be disastrous. You have been premonished and you are to consider these orders stringent."

It is true there is no date to this communication, but the allusions in it leave no possible doubt as to its having been written within the period embraced by the terms of the first charge.

Perhaps this will be the best place for the few observations I have to offer on the defence. The Prisoner, like every other that we have tried, has, according to his own showing, been the mere victim of circumstances; declares that he had no intelligence on the subject previous to the outbreak;—that the mutinous soldiery surrounded him completely and placed sentries on all sides;—and that, fearing for his life, he kept quiet, and went to his own private apartments;—that the mutinous soldiery kept the men, women and children prisoners;—that he twice saved their lives by entreaty and persuasion, and that the third time he did all in his power to save them, but that the rebellious soldiery would not heed him, and eventually carried out their purpose of slaying these poor people against his orders. Now the chief objection to all this is, that it is not only unsupported by evidence, but is directly in the teeth of all the testimony, whether oral or written, and whether given by his own servants or by others. The entire defence indeed is a mere tissue of denials of guilt; assertions of his not having been a free agent; and an endeavour to put the onus of his misconduct upon others. He cannot challenge the authenticity of the documents against him, or the evidence of his own handwriting, or his own seal; and his only expedient consists in assevering, that what he wrote was by compulsion, and that his seal was affixed in the same way. The only dilemma that he appears unable to extricate himself from, to his own satisfaction, in this way, is the going out to Humayun's tomb, and coming in again. It was, of course, necessary to state that the last was by his own choice and free will; and this would scarcely have been possible had his going out been represented as compulsory; for if the sepoys had forcibly taken him out, they would hardly allow him voluntarily to return, so we are treated with the following curious account. " When the revolted and rebellious troops prepared to abscond, finding " an opportunity I got away secretly under the palace windows, and went and stayed " in Humayun's Mausoleum." One would have thought that if he wished to separate himself from the rebellious troops, that his best plan would have been to have stayed in Delhi, when they were preparing to abscond, instead of secretly planning to go out with them. However, I do not mean to take the defence, paragraph by paragraph, and thus refute it. My best reply to it, I believe, will be by showing how fully and completely the charges have been proved, and to this task I now again address myself, and proceed to the consideration of the 2nd count, which is, if possible, still more fully established than the 1st. It runs as follows:—" For having, at Delhi, at various times between the " 10th of May and 1st of October 1857, encouraged, aided and abetted Mirza Moghal, " his own son, a subject of the British Government in India, and divers others unknown, " inhabitants of Delhi, and of the North-West Provinces of India, also subjects of the said

" British Government, to rebel and wage war against the state." The documents and other evidence in support of this charge are so numerous that it would be tedious even to reckon them. The newspapers speak of the appointment of Mirza Moghal to the office of Commander-in-Chief; of his investiture with a dress of honor; and other matters relating thereto. The oral testimony is very strong on the same subject, while the discovered correspondence shows that Mirza Moghal, the son, was perhaps, next to his father, the leading chief of the rebels in Delhi. I shall for form's sake give a short extract from a petition of Moulavy Muhammad Zohur Ali, Police Officer of Najaf Garh. It is as follows :—

" To

" The King! Shelter of the World!

" Respectfully Sheweth—That the orders of the royal missive have been fully " explained to all the Thakurs, Chowdaries, Kanungos and Patwaries of this township " of Najaf Garh, and that the best arrangements have been established. Further, that, " agreeably to your Majesty's injunctions, steps are being taken to collect horsemen and " footmen, and it is explained to them, that their allowances will be paid from the " revenue of this division of the district. Your slave's assurances, on this point, however, " will not be believed, till some Ghazis, recently engaged, shall have arrived. As " regards Nagli, Kakrowla, Dachaoo Kallan and other adjacent villages, your slave has " to represent that, unrestrained by the dread of consequences, and bent on all sorts of " excesses, the inhabitants have commenced plundering travellers."

This might, I think, be sufficiently conclusive as to the words of the charge in reference to " aiding and abetting in rebellion, Mirza Moghal, his own son, and divers other " unknown inhabitants of Delhi, and of the North Western Provinces of India," inasmuch as the petition from which I am quoting, bears the autograph order of the Prisoner referring it to his son Mirza Moghal, and directing him quickly to send a regiment of infantry with its officers to Najaf Garh, in accordance with the wishes, and for the purpose of aiding and abetting the petitioner's schemes of raising horsemen and footmen to fight against the English. But there is another petition, which has not yet been submitted to the Court, having only lately come to hand, and which may appropriately be introduced here. It is from Amir Ali Khan, son of the Nawab of Khurajpura, and is dated 12th of July. It runs as follows :—

" To

" The King! Shelter of the World!

" Respectfully Sheweth,—That your petitioner has come to your royal court, at " which Darius might have served as a door-keeper, having left his house animated " by the ambition to stake his life in your Majesty's cause, and laments that he has lived " to see the day when the accursed English have presumed to direct their cannon against " your royal dwelling, the guardians of which are the angels of heaven. From the first " dawn of the powers of discernment, your petitioner has been trained, like the lion, to " conflicts and war, and has not like the fox been concerned for his life—

" Leopards destroy their prey on the summits of mountains,
" Crocodiles devour theirs on the banks of rivers.

" Your petitioner submits that if his prayer is accepted, and the plans and stra- " tagems necessary in this war are entrusted to his judgment, aided by your Majesty's " august auspices he will, in three days, totally exterminate these people with white skins " and dark fortunes. It was necessary, and I have therefore submitted it. (Prayers for " the prosperity of the reign, and curses in bitter and filthy language against those who "may wish it harm.) Petition of the slave Amir Ali Khan, son of Nawab Dullail "Khan, son of Nawab Najabat Khan, Chief of Khurajpura.

"AUTOGRAPH ORDER OF THE KING, IN PENCIL.

"Mirza Zohuruddin will make enquiries and will give the petitioner service."

The third charge is—"For that he, being a subject of the British Government in India, "and not regarding the duty of his allegiance, did, at Delhi, on the 11th May 1857, or "thereabouts, as a false traitor against the State, proclaim and declare himself the reigning "King and Sovereign of India, and did, then and there, traitorously seize and take unlawful possession of the city of Delhi; and did moreover, at various times between the 10th "of May and 1st of October 1857, as such false traitor aforesaid, treasonably conspire, consult, and agree with Mirza Moghal, his own son, and with Muhammad Bakht Khan, Subadar of the Regiment of Artillery, and divers other false traitors unknown, to raise, levy, and "make insurrection, rebellion, and war, against the State; and further to fulfil and perfect "his treasonable design of overthrowing and destroying the British Government in India, "did assemble armed forces at Delhi, and send them forth to fight and wage war against "the said British Government."

That the Prisoner was a pensioned subject of the British Government in India has been already shown in treating of the first charge; and as the British Government neither deprived him nor any member of his family of any sovereignty whatever, but, on the contrary, relieving them from misery and oppression, bestowed on them largesses and pensions aggregating many millions of pounds sterling, the duty of their allegiance will, I think, be readily admitted; yet, as we have already seen, this traitor rushes to seize the first possible opportunity of overthrowing and destroying the government of his benefactors. On the afternoon of the very first day of the outbreak, in the Hall of Special Audience, he receives the obeisances of the revolted sepoys, and by laying his hands on their heads unites with them in a common brotherhood of infamy. It is perhaps difficult to realize such a scene. An enfeebled tremulous old man striving with palsied hand to reach a sceptre far too powerful for his puny grasp, and while bent by age and infirmity, inducting a monarch's garb, to give, as it were, a benison and a blessing to the cause of the foulest treachery and murder! Dead to every feeling that falls honorably on the heart of man, this shrivelled impersonation of malignity must have formed no inapt centrepiece to the group of ruffians that surrounded him!

There are several witnesses who speak to the circumstance of the Prisoner having been proclaimed: It is variously stated as occurring on different days, and it is more than probable that such was actually the case. One or two proclamations would hardly be sufficient to carry the information through all the suburbs of so large a city as Delhi. The Prisoner's attorney allows that the King's authority was established on the 11th of May, and Gulab, messenger, being asked, "Was the King proclaimed as the reigning "sovereign immediately after the outbreak?" answered, "Yes, the proclamation was "made by beat of drum on the very day of the outbreak, about 3 in the after- "noon, to the effect that it was now the King's Government,"; while Chuni, Pedlar, another witness, declares that, "On the 11th of May, about midnight, some 20 guns were "fired in the palace. I heard the reports at my house, and next day, at about noon, a pro- "clamation was made by beat of drum that the country had reverted to the possession of "the King." The next paragraph in the charge is in reference to traitorously seizing and taking unlawful possession of the city of Delhi; but this is a point that I need not quote evidence to establish. It is difficult to turn our eyes in any direction without having convincing proofs of it. The charge then goes on to assert that the Prisoner "did at various

" times, between the 10th of May and 1st of October 1857, treasonably conspire, consult, " and agree with Mirza Moghal his son, and with Muhammad Bakht Khan, Subadar of the " Regiment of Artillery, and divers other false traitors unknown, to raise, levy, and make insurrection and war against the State." Mirza Moghal was publicly appointed Commander-in-Chief, and a special state procession in honor of his being so, took place a few days after the outbreak. The witness who deposes to this is Chuni Lal, Pedlar; but he is unable to specify the exact date on which he witnessed it. Mirza Moghal's authority after this seems to have been uncontrolled, at any rate in all matters immediately relating to the army, until Subadar Bakht Khan, of the Artillery, arrived, and was appointed both Lord Governor General and Commander-in-Chief. The date of his arrival was the 1st of July, and after that, some jealousy and clashing of authority between the two Commanders-in-chief is observable, for, on the 17th of July, Mirza Moghal writes and informs his father, that on that day he had formed up the army and taken it outside the city to attack the English, when General Bakht Khan interfered, and for a long time kept the whole force standing inactive, wanting to know by whose orders it had gone out, and, saying it was not to proceed without his permission, caused it to return. Mirza Moghal adds, "that having his orders reversed cannot but cause vexation " to any officer high or low, and begs that definite instructions may be given as to whom " the real authority over the army belongs." There is no order on this letter, nor have we any intimation what decision was come to, but that some better arrangement was the consequence is evident, for, on the very next day, the 18th of July, we find Mirza Moghal and General Bakht Khan acting in concert, as the following letter from Mirza Moghal to his father will show. It is dated the 19th of July and runs as follows :—" Since yesterday " the arrangements have been completed for carrying on active offensive operations both by " night and day. If aid could be afforded now from the direction of Alapur, with the " divine blessing, and through the influence of your Majesty's ever-during prestige, a final " and decisive victory, it is to be expected, would soon be obtained. I therefore pray that " positive orders may be issued from the throne to the Bareilly General to afford the aid in " question, that is, that he be directed to proceed with troops to Alapur, and to make an " attack on the infidels from that direction, while your slave with his division of the army " makes another on this side, so that the two forces co-operating in the fight, may in one or " two days consign all the damnable hell-doomed infidels to hell. Moreover it is to be ex" pected that the force going to Alapur will cut off the enemies' supplies. It was necessary " and has therefore been submitted." On this letter there is an autograph order of the King to the following effect, " that Mirza Moghal will make whatever arrangements may be pro" per," and also an after order apparently by Mirza Moghal—" That an order be written to the " Bareilly General." I think this is conclusive of the three conspiring, consulting and agreeing together ; but it may be as well to enter here two documents which have not as yet been submitted to the Court. One is a proclamation from General Muhammad Bakht Khan, dated 12th of July, and is to the following effect. It has, I should observe, been extracted from the *Delhi Urdu News* :—" Let it be generally known to the persons living in the city and the country, such as chiefs of free-holds, pensioners, land-holders, of rent free estates, &c., that if, from anxiety for their incomes, they have hitherto continued on the side of the English, and have in any way colluded with them by conveying intelligence or furnishing them with supplies, their having done so will not be considered inexcusable. It is accordingly now proclaimed that all those who have been alluded to, are to cherish full confidence that when final and complete victory shall have been obtained, provided their title deeds, former and recent, shall on inspection be fully verified, they will have the present provisions in their favour continued to them, and that they will also receive compensation in full for the entire period during which their incomes may have been suspended, owing to the present disturbances; but if, after receiving knowledge of these orders, any person shall, notwithstanding, forward intelligence or furnish supplies &c., to the English, he will be severely punished in the way Government may determine. The chief police officer of the city is, therefore, ordered to have the signatures of all chiefs of free-holds, of rent free estates, and pensioners residing in his jurisdiction, written on the reverse of this notification to them in this matter, in acknowledgment of their having been duly informed, and then to send the notification immediately to His Excellency." The other document is an order from the King, dated the 6th of September 1857, and is addressed to the chief police officer of the city. It runs as follows:—"You are directed to have proclaimed throughout the city by beat of drum, that this is a religious war, and is being prosecuted on account of the faith, and that it behoves all Hindu and Mussulman residents of the imperial city, or of the villages out in the country, as well as those natives of Hindustan who are arrayed against us on the ridge, or are any where employed on the side of the armies of the English, whether they be men of the eastern provinces, or Sikhs, or foreigners, or natives of the Himalaya Hills, or Nepaulese, to continue true to their faith and creeds, and to slay the English and their servants: and you are directed to have it further proclaimed, that those who are now present with the English force or the ridge, whether they be people of Hindustan, or foreigners, or Hillmen, or Sikhs, or whatever country they may be natives of, or whether they be Mahomedans, or Hindus born in Hindustan, they are not to entertain any fears or dread of the enemy. Whenever they come over to this side, kind provision will be made for them, and they will be allowed to continue in their own creed and religions. You are directed to have it proclaimed further, that all who will join in the attacks on the enemy, whether they be or be not servants, will be allowed to keep themselves whatever property they may take from the English in plunder, and that they will beside receive additional rewards from His Majesty, and will be amply provided for." This paper, which I have just perused, is an office copy, and was found recently among other documents in the office of the King's chief police station. It bears the seal of that office, and is actually attested as a true copy by the signature of Bhao Singh, assistant to the King's chief police officer. A more trustworthy and convincing document could hardly be laid before a Court. It seems to me fully to complete the proof of the third charge, and to render further quotation from the numerous other documents unnecessary. It also tends to establish the latter portion of the fourth charge.

To this charge I will now turn my attention. It accuses the Prisoner "of having, at "Delhi, on the 16th of May 1857, or thereabouts, within the precincts of the palace at Delhi, "feloniously caused and become accessory to the murder of 49 persons, chiefly women and "children of European and mixed European descent." As far as the murder of these poor victims is concerned, I have nothing to allege; the facts have been detailed before the Court in all their horrid minuteness, and they are not such as to be easily forgotten. The cold-blooded hardened villainy that could revel in leading women and young children to the shambles, and this too without the miserable apology of imagined wrong, or to the mistaken zeal of religious frenzy, is something so inhuman that the mind might well refuse to accept it as truth, did not all the force of concurrent ideas, of direct testimony, of circumstantial proof, and elsewhere repeated reactings of the same dreadful tragedies, enforce it upon our convictions. It is not then such admitted facts as the above that I am here called upon to establish. They are unhappily but too prominently and painfully shaped forth to require further illustration. It remains, however, to show how deeply the Prisoner stands implicated in this revolting butchery, and whether, as averred in the indictment, he did "feloniously

" cause and become accessory to the murder of these 49 persons". I shall not, in so doing, attempt to avail myself of that law which makes all persons joining in insurrection and sedition individually responsible for every act of violence that may be committed by those with whom they stand leagued in illicit combination, even though such acts may have been against their wishes or without their cognizance. I mean, however, separately to consider each fact connecting the Prisoner with the deaths of these women and children. I will revert to the evidence of their capture, the place of their imprisonment, the fearful privations to which they were subjected, and the more than cruel treatment which they experienced, from the commencement of their confinement, all of which were but too prophetic of the ultimate doom that awaited them. The first person whose testimony I shall have to quote is Ahsan Ulla Khan, the physician, when asked, " How was it that so many English women and children were brought " to the palace and placed in confinement," he replied—" The mutineers took them in and " about the city, and having established their own quarters in the palace, they brought " their prisoners in with them too." Being further interrogated, he declares that the mutineers did not retain the custody of their prisoners, but, as each successive one was brought in, reported the circumstance to the Prisoner, and were told to take the Europeans to the kitchen, and keep them confined there. Being again questioned, he asserts that the King himself appointed the kitchen as the place of their confinement, and observed, at the time, that it was a large capacious building, so that it appears that the Prisoner not only fixed upon the building himself as the place for herding indiscriminately together, men, women and children, but from its being in his own palace, and from his volunteering a description of it, it is evident that he had some personal knowledge of what it was like. He terms it a large capacious building, but these are not very definite terms, and when used in reference to different objects may relatively have widely different meanings. To obviate any misconception on such a point, I have, since Ahsan Ulla Khan gave this evidence, visited the place myself, and taken its measurements and description. The building is 40 feet long, 12 broad and about 10 high. It is old, dirty and dilapidated, and without the vestige of plaster; but it is worse than this, for it is dark, has no made flooring, no windows, and is entirely without the means of ventilation or of light. There is but one aperture to it, a miserable small wooden door; but I will now let Mrs. Aldwell describe it in her own words:—" We were all confined in one room, very dark, with only one " door, and no windows or other opening. It was not fit for the residence of any human being, " much less for the number of us that were there. We were very much crowded together, " and in consequence of the sepoys, and every one who took a fancy to do so, coming and " frightening the children, we were obliged frequently to close the one door that we had, " which thus left us without light or air. The sepoys used to come with their muskets loaded, and bayonets fixed, and ask us whether we would consent to become Mahommedans " and also slaves, if the King granted us our lives; but the King's special armed retainers, " from whom the guard over us was always furnished, incited the sepoys to be content with " nothing short of our lives, saying we should be cut up in small pieces, and given as food to " the kites and crows. We were very indifferently fed, but on two occasions the King sent " us better food." Such was the return made by this traitor for the millions of pounds sterling bestowed by the English on himself and on his family! Having, as one of the witnesses has specifically stated, " abundance of room where these English women and " children would have been safe in the apartments occupied by the females of his own " establishment," where, it is said, " there are secret recesses in which 500 people might be " concealed, and where, even had the rebels dared to violate the sanctity of the Zenana, all " search would have been fruitless,"—and there being, according to another witness, no scarcity of vacant buildings in the palace in which the ladies and children could have been kept in confinement, and in which they might have had every comfort—this minion of English generosity preferred to select for them the very den set apart for culprits and for felons, and where they even received far worse than a felon's treatment, for they were crowded into a small space, and were daily exposed to the insults and cruelty of all who chose to molest them. Such was the requital to the English for a princely pension and an imperial palace! It will be observed from the statements of Ahsan Ulla Khan and Mrs. Aldwell, that both agree in attributing these measures personally to the King, and when we recollect the trifling matters which were, on every occasion, referred to him, and which, as has been fully demonstrated in this Court, received not only his attention but were endorsed by his own autograph instructions, is there any room left for doubt, that the more important concerns were under his special control also? Indeed, the concurrent testimony of many witnesses, and the irrefutable evidence of his own handwriting, incontestably prove that such was the case. It is thus we find *the King* appointing the prison; that *the King's* special armed retainers were always on guard over the prisoners; that it is *the King* who supplies them with their very indifferent food, and on two occasions sends them some of better quality;—and, thus too, the sepoys asked them whether they would consent to become Mahommedans and slaves, if *the King* granted them their lives;—and who, on perusing even thus much of the evidence, can doubt that he had the power of doing so? Has there been one single circumstance elicited that shows that the Prisoner even wished to save them, or that he even extended to them one act of common courtesy or kindness? Very very far from it: for whilst no check was given to those who showed the prisoners every species of unmanly brutality, the ordinary charity of giving food and water to a Christian was severely punished, and a Mahommedan woman, simply on this account, was actually immured with the prisoners! Can the bitterness of rancour go further than this? Or is it possible to contemplate the place and nature of the confinement fixed for these tender women and children, without coming to the conclusion that a cruel death was from the first moment reserved for them, and that, in the words of the witness Mukund Lal, "they were but being collected!" Indeed the edge of the sword seems to have been but a merciful deliverance from the lingering death, which confinement in so loathesome a den at such a season of the year must eventually have inflicted on all exposed to it.

Might I not here stop and confidently on this point, await the decision of the Court against the Prisoner. The proof, however, swells in volume as it proceeds, and I mean to leave no portion of it untraced. Gulab, a Chaprassy, or messenger, has distinctly stated that, a couple of days before the massacre took place, it was known that the Europeans would be killed in two days, and that on the day fixed for the slaughter arriving, great crowds of people were flocking to the palace. Every witness to the scene who has spoken of it in Court, has alluded to the crowds assembled, both as spectators and actors on the morning in question, and, as this was at the early hour of between 8 and 9, there seems no doubt that previous information of what was to take place must have been given. Nothing indicates that an outburst of fury either on the part of the populace or military in any way led to a catastrophe so awful. On the contrary, the witness distinctly says that without orders it could not have happened, and that there were but two sources from which such an order could have emanated, *viz.*, the King and his son Mirza Moghal, adding, that he does not know which of them gave the order. He however distinctly states that he was present at the murder of these European prisoners, and that he saw them all standing together surrounded on all sides by the King's special armed retainers, or what you may term his body guard, and some of the infantry mutineers; and that though he did not observe any signal or order given, yet, on a sudden, the men just mentioned drew their swords, simultaneously attacked the prisoners, and continued cutting at them till they had killed them all. A second witness, *viz.*, Chuni Lal, the newswriter, when asked by whose orders these Europeans were murdered distinctly replies that "it was done by the King's order: who else could have given such an order?" He and other witnesses concur in stating that Mirza Moghal, the King's son, from the top of his house which overlooked the court-yard, was a spectator on this occasion; this Mirza Moghal being, at that time, second only to the King himself in authority. Is it credible then, under such circumstances, that the King's own body guard, his special armed retainers, could have dared to perpetrate this frightful butchery without his order, and against his wishes? If a doubt could be entertained on such a subject, it would, I think, be speedily dissipated on a perusal of the writings evidently approved by the Prisoner, in which blood-thirstiness and sanguinary ferocity against the English are so glaringly conspicuous. In reference to the presence of Mirza Moghal, and in further proof that it was by the King's own orders that these unhappy women and children were massacred, I shall quote the testimony of the King's own secretary, Mukund Lal. To the question—"By whose order were the ladies and children that were prisoners in the palace "murdered?" he replies, "These people were being collected for three days: on the fourth "day the infantry and cavalry soldiers, accompanied by Mirza Moghal, came to the entrance "of the King's private apartments, and requested the King's permission to kill them. The "King was, at this time, in his own apartments. Mirza Moghal and Basant Ali Khan went "inside while the soldiery remained without. They returned in about 20 minutes, when "Basant Ali Khan publicly, and in a loud voice, proclaimed that the King had given his "permission for the slaughter of the prisoners, and that they could take them away. Ac"cordingly, the King's armed retainers, in whose custody the prisoners had been, took them "from the place of confinement, and in connection with some of the mutinous soldiery "killed them." It appears, then, that Mirza Moghal had just come from the Prisoner's presence, and was armed with his authority for carrying out this most hideous deed of blood. It may seem almost superfluous to add any thing to the above; but the proof furnished by the extract from the Prisoner's diary is so important and convincing, that I feel bound to quote it. The evidence of the physician, Ahsan Ulla Khan, regarding it, is as follows:—"Was a Court diary of occurrences at the palace kept by order of the king during "the rebellion?" *Answer*—"The Court diary was kept up as usual according to the custom "which had long preceded the outbreak." *Question*—"Look at this leaf and see whether "you can recognize the handwriting on it?" *Answer*—"Yes, it is in the handwriting of 'the man who kept the Court diary, and this leaf is a portion of it."

"*Translation of an extract from the Court diary for the 16th of May* 1857.—The "King held his Court in the Hall of Special Audience, 49 English were prisoners, and the "army demanded that they should be given over to them for slaughter. The king delivered "them up saying, 'The army may do as they please,' and the prisoners were conse"quently put to the sword. There was a large attendance, and all the chiefs, nobles, officers "and writers presented themselves at Court and had the honor of paying their respects."

Here then we have oral as well as most unimpeachable written testimony, all concurring on this point, and it would seem nearly impossible to make the proof clearer, had we not the Prisoner's written confession of the crime. I do not mean in his defence, which is simply a document framed for this Court, and is but a mere tissue of false denials without an effort at refuting what stands so prominently against him. I allude of course to his long letter to his son Mirza Moghal, in which he actually makes merit of the slaughter of his Christian prisoners, and urges it as a reason why the soldiery should be more attentive to his commands. After this, to prolong any argument upon the subject would be improper. There is then but the last portion of the fourth charge uncommented on; and to establish it we have copies of circulars addressed from the King to Rao Bhara, the ruler of Kutch Bhoj, to Ranjit Singh, Chief of Jasalmir, and to Rajah Gulab Singh, of Jummoo. The following extracts will be sufficient, *viz.* :—

" To

" RAO BHARA, RULER OF CUTCH.

" It has been reported that you, every-faithful one, have put the whole of the infidels " to the sword, and have thoroughly cleansed and purified your dominions of their " unclean presence. We have been extremely gratified to hear of such conduct on your " part, and you are therefore honored with this address, to the intent that you will institute " such arrangements throughout your territory as that none of the creatures of God may " in any way be aggrieved or oppressed. Further, should any number of the infidels reach " your dominions by sea, you will have them slain. In doing this you will act entirely in " accordance with our pleasure and wishes."

" To

" RANJIT SINGH, CHIEF OF JASALMIR.

" It is clear to our belief that throughout your dominions the name and trace of these " ill-omened infidels, the English, must not have remained : if, however, by any chance " or possibility some have escaped till now, by keeping hidden and concealed, first slay " them, and after that, having made arrangements for the administration of your territory, " present yourself at our Court with your whole military following. Considerations and " friendliness a thousand fold will be bestowed on you, and you will be distinguished by " elevation to dignities and places which the compass of your qualifications will not have " capacity to contain."

" To

" RAJAH GULAB SINGH, RULER OF JUMMOO.

" I have been made acquainted, by your petition, with all the particulars of the " slaughter throughout your territory of the accursed unbelieving English. You are consi- " dered worthy of a hundred commendations. You have acted in this matter as all brave men " ever acquit themselves; may you live and prosper." Again : "Come to the royal " presence, and slay the accursed unbelieving English, and all other enemies, wherever you " may find them on the way. Whatever may be your hopes and expectations, the dignity " and elevation to which you will be promoted amongst your equals will surpass all that you " may be able to imagine, and you will further be rewarded and dignified with the title of " Rajah." On one of the petitions to the King from a Duffadar of the 4th Irregular Cavalry, boasting of having murdered his officers at Moozuffernugur, the order for an appointment in return is in the Prisoner's own handwriting.

I herewith conclude my observations on the charges, and it will now remain, Gentlemen, for you, by your verdict, to determine whether the Prisoner at your bar, in retirement and seclusion, may yet claim the respect due to deposed majesty, or whether he must henceforth rank merely as one of the great criminals of history. It will be for you to pronounce whether this last king of the imperial house of Taimur shall this day depart from his ancestral palace, bent down by age and by misfortune, but elevated perhaps by the dignity of his sufferings and the long borne calamities of his race, or whether this magnificent Hall of Audience,—this shrine of the higher majesty of justice—shall this day achieve its crowning triumph in a verdict which shall record to this and to all ages, that kings by crime are degraded to felons, and that the long glories of a dynasty may be for ever effaced in a day!

The consideration of the specific charges against the Prisoner being now closed, I trust it may not be thought presumptuous, if I offer some observations on the evidence elicited as to the cause of the late rebellion and of the existence of previous conspiracy. I have, in a former part of this address, argued that if the native regiments, previous to the cartridge question being mooted, had been in a sound and well affected state, such a frightful, and all but universal revolt could not have occurred, that there must have been some other and more latent power at work to have thus operated on a whole army scattered in different cantonments from Calcutta to Peshawur. I think that such could not have been accomplished without some secret mutual understanding, and some previous preparation, the establishment of which may appropriately be termed conspiracy. I have stated also that it seems as if it was not owing to a *cartridge* of any kind, that such an amount of mutiny and murder has solely to be attributed; but I should be more than blind to all that has appeared on these proceedings and elsewhere, if I failed to recognize in the cartridge question, the immediate means or instrument adopted for bringing about a much desired end. It seems to have been the spark, not accidentally shot forth, but deliberately chosen to explode a mine previously prepared. In alluding then to the existence of a conspiracy, I do not mean to imply that we have come upon traces of a particular gang of men specially banded together for the fixed definite object of causing the late rebellion in the native army, in any manner similar to that in which we have seen it developed; but such evidence as we have been able to obtain does appear to me to point out that, for a considerable time antecedent to the 10th of May, agitation and disaffection to British rule among the Mahomedans was more than ordinarily prevalent, and that such disaffection had been stimulated by active and designing men, who have most craftily taken advantage of every circumstance that could be made suitable for such a purpose. The annexation of Oudh to British rule was perhaps one of these. It seems to have been particularly displeasing to the Mahomedans, as annihilating the last throne left to them in India; and for some other reasons, it would appear to have been almost equally unpalatable to the Hindu sepoy. It may perhaps have interfered with his position there as a privileged servant of the Company; for instead of having to rely on the influence and prestige of the British Government in dealings or disputes with the native landholders of that province, he found himself brought at once under direct European control. One of the witnesses, Jat Mall, draws a marked distinction between the Hindu sepoy and the Hindu tradesman, in reference to their feelings for the British Government, and perhaps the annexation of Oudh, with other causes, may tend to account for it. Being asked whether there was any difference between the Mahomedans and Hindus in this respect, he replies. "Yes, certainly, the Mahomedans, as a body, were all pleased at the "overthrow of the British Government, while the merchants and respectable tradesmen "among the Hindus regretted it." He, however, says that the general feeling throughout the army, was the same both among the Hindus and Mahomedans, and that they were both equally bitter; and this view of the case is, I think, supported by our experiences of both. The great bulk of the infantry portion of the native army was undoubtedly Hindu; but we have not found this any check or restraint upon their revolting barbarity, and as far as the army has been concerned, Hindus and Mahomedans appear to have vied with each other only in the enormity of their crimes. But apart from the army, the revolt has perhaps assumed many of the features of a Mussulman conspiracy, and it is, I think, probable that to Mussulman intrigue may eventually be traced those false and fabricated rumours, which, adroitly mixed up with some small portion of truth, have been so instrumental in effacing the last vestiges of fidelity in an army whose faithfulness was at one time perhaps its very chiefest pride and boast. It does not belong to such an occasion as this to revert to past years, and step by step to trace the causes which have combined to destroy the reliance once placed upon those who are now so notorious for their perfidy. Some of these causes doubtless have been beyond government control, and were perhaps inherent to a state of continued progress on the one side, and an inveterate priestly opposition to it on the other. It will be sufficient if I here merely allude to several previous occasions, not of very distant date, when some regiments of the native army showed how little they were to be depended on. On those occasions also it was evident, that a unity of purpose and a singleness of feeling were, in a short time, organized by some process not immediately patent to their European officers: a mutual correspondence either by emissaries or letters was perhaps then initiated, and the lesson thus learnt was not easily forgotten. I do not mean to argue that from that time, the Native Indian Army became one large debating society. Very far from it. I believe that, in their own fashion, most of the Sepoys were good and well meaning servants of the Government. I say, *in their own fashion*, because, it appears to me, they are always deficient in natural firmness, and have no idea of strong moral rectitude ; their fidelity, as long as it exists, is more of a habit than of a principle, upheld by superstition, but wanting the sustaining power of true religion. Among such a body as this there must always be some discontented intriguers, and who that knows any thing of Asiatic character will not readily admit, especially with reference to Hindus, that the few are more potent for evil than the many for good ? Let but three or four leaders come forth in all the open audacity of crime, or mix themselves up in the secret intrigues of sedition, and the rest, if not immediately panic struck, never think it their duty to check or oppose them. They may excuse themselves for a time, by holding aloof from what they do not approve ; but active interference, even in prevention of mutiny and murder, seems to form no part of their creed, either religious or political. The most serious crimes are thus passively encouraged ; and temporary immunity securing proselytes, all are eventually engulphed in the same depths of infamy. Thus the crimes of a few lead to the ruin of many. That these influences have been vigorously at work in extending the late rebellion, I think few will be inclined to deny. I am aware that no correspondence, and perhaps little direct evidence to such a point has been brought before the Court : indeed, in reference to the sepoys we have not been in a position to obtain either one or the other, still if, as has been currently, and, I believe, truly reported that the number of letters passing among our native soldiers, for a month or two prior to the outbreak, was very considerably larger than usual, this circumstance, combined with such facts as have come under our notice, would lead, almost irresistibly, to the conclusion that some sinister agitation had been extensively at work, and that increased disaffection and subordination would necessarily be the result ; moreover, that in such a state, revolt would reduce itself to a mere calculation of time. In the above remarks, I have attributed much of what has occurred to the pernicious influence of evil intriguers, and it may naturally be enquired why these should have had greater effect at the present juncture than at any former one. Some of the causes I have already hinted at, such as the annexation of Oudh, and the progress of European civilization, outstriding, and, in its natural course, threatening to sweep away the puny barriers upraised by priestly cunning, for the preservation of the grossest ignorance, and thus commencing the subversion of religions that are unable to bear the lights of even natural science. I believe too that the propagandists of sedition may artfully have availed themselves of some recent acts of the Government to spread panic and alarm in reference to future forcible interference with caste prejudices. I allude to the agitation about the remarriage of Hindu widows; the enlistment for general service; the cartridges, &c. I do not mean, in this, to offer the slightest apology for men whose conduct excites nothing but loathing and disgust. Pampered in their pride and besotted in their ignorance, they had, as a body, become too self-sufficient for military subordination and unhesitating obedience. Experienced as they were in mutual combination, they appear again easily to have entered into schemes for dictating to the Government their views in reference to imagined grievances, but that open defiant mutiny had been generally resolved upon by the army, or, at any rate, by the Hindu portion of it, prior to the trial of the 3rd Light Cavalry troopers, is more, I think, than has been established. Up to that time, there was, no doubt, a feeling of uneasiness, a restless apprehension, and an air of respectful mutiny pervading the native ranks. The sepoys, in many instances, appeared to imagine that disobedience to military command was scarcely criminal, if accompanied by a salute and a submissive demeanor. Habituated to combination, and well aware of the strength of numbers, they latterly had seldom lost an opportunity of bringing forward their grievances, not individually but in masses. On such points there was no difference between Mussulman and Hindu; they could both readily unite, and had already done so, for the purposes of insolent dictation. Indeed, if we search back into history, I believe we shall find that this has ever been, what I may term, the normal condition of Asiatic armies; and it is perhaps the necessary result of giving unity and power to large bodies of men without the checks furnished by education, loyalty and religious principle to control them. Military discipline, without these auxiliaries, is but a dangerous weapon, and one that has frequently been turned against those who have sharpened and prepared it. As a corollary to this, it may be observed that rebellion and insurrection among the unarmed and untutored people of Asia is rare indeed. Even the forcible conversion of the Hindus to Mahommedanism under former Emperors of India seems to have been insufficient to rouse them to resistance. It is then the attempt at domination by the sepoy alone that has to be guarded against. The distinctions of caste may, to a certain extent, at former periods, have proved serious obstacles to any very extensive combination of men of different sects, either for political or other purposes, but we should remember that this very circumstance of caste companionship has necessitated the existence of a number of distinct self-governing societies,—has habituated the people of Hindustan to meetings among themselves where publicity is avoided,—and thus giving them their primary lessons in uniting for particular objects, has endowed them with a natural facility for more extended combinations of a secret and sinister character. Under these circumstances, there wanted but the means and the occasion for carrying them out; and who does not perceive that the native army afforded the one, and a variety of incidents have favored the other? Brahman and Mussulman here met as it were upon neutral ground; they have had, in the army, one common brotherhood of profession, the same dress, the same rewards, the same objects to be arrived at by the same means. They frequently joined each other in their separate festivals, and the union encouraged by the favor of the Government was finally resorted to as a measure to subvert it. I do not, however, intend to dwell on all of the many influences which may have assisted in bringing about the recent catastrophe. Such a discussion, in this place, might not be approved of.

It seems to me, however, apparent that it was not and could not have been the greased cartridge *alone* that effected it. There was previous preparation among the sepoys; and there was also a general unsettling of men's minds throughout the country, and among the Mahommedans in particular. I believe, indeed, that the facts elicited on this point may be ranged appropriately under the head of "Mahommedan conspiracy," the chief object of which seems to have been to spread disaffection and distrust of British rule, and, by the dissemination of false and evil reports, and by fabrications of the most insidious kind, to prepare all the people for change and insurrection. As far as can be traced, the commencement of this must have originated with the Prisoner or with some of those, such as Hasan Askari and others, who were admitted to his most secret and confidential councils. Be this as it may, there cannot, I imagine, be a doubt that in sending Sidi Kambar to Persia and Constantinople as an ambassador with letters to the sovereign of that country, soliciting aid and elevation to a throne, the Prisoner became the principal in a conspiracy which, indirectly, at any rate, must have been auxiliary to the recent frightful outbreak and its attendant horrors. It is worthy of particular notice, as connecting the two together, that this Sidi Kambar's departure took place, according to the most reliable account, just two years before May 1857, and that his promised return, with the aid sought for, was fixed for the time when the outbreak actually took place. Coupling this with the prophecy among the Mahommedans that English sovereignty in India was to cease 100 years after its first establishment by the battle of Plassey in 1757, we are able to form something more than conjecture as to the causes which have given to Mahommedan fanaticism its delusive hope of recovering all its former prestige. I have already alluded to the dream of Hasan Askari the priest, and its interpretation so plausibly contrived to correspond with the wishes of the King, and of those about him. The circumstance may seem trivial to us, but it was doubtless a means well calculated to make a deep impression upon the superstitious minds of those to whom it was addressed, and to cause expectation and belief in what was predicted by one said to be possessed of miraculous powers, and accredited with holding direct communication with heaven. We learn too from the petition of Muhammad Darwesh to Mr. Colvin, the Lieutenant-Governor, dated 27th of March 1857, that Hasan Askari had, at this time, assured the King of Delhi that he had certain information that the prince royal of Persia had fully taken possession of, and occupied Bushire, and that he had entirely expelled the Christians, or rather, had not left one alive there, and had taken away many of them prisoners, and that, very soon indeed, the Persian army would advance by the way of Kandahar and Cabul towards Delhi. He moreover adds, "That in the palace, but more especially in that portion of it "constituting the personal apartments of the King, the subject of the conversation night "and day was the early arrival of the Persians. Hasan Askari has, moreover, impressed "the King with the belief, that he has learned, through a divine revelation, that the domi- "nion of the King of Persia will to a certainty extend to Delhi, or rather over the whole "of Hindustan, and that the splendour of the sovereignty of Delhi will again revive, as the "Sovereign of Persia will bestow the crown on the King." The writer goes on to say that "throughout the palace, but particularly to the King, this belief has been the cause of great "rejoicing, so much so that prayers are offered and vows are made, while, at the same "time, Hasan Askari has entered upon the daily performance, at an hour and a half before "sunset, of a course of propitiatory ceremonies to expedite the arrival of the Persians and "the expulsion of the Christians. It has been arranged that every Thursday, several trays "of victuals, wheatmeal, oil, copper money and cloth should be sent by the King in aid of "these ceremonies, and they are accordingly brought to Hasan Askari."

We thus see how early and how deeply the priesthood interested and engaged themselves in this matter, and how completely and exclusively Mahommedan in character was this conspiracy. If we could but have stepped behind the scenes, and witnessed these ceremonies at which superstition presided, and have heard these prayers and vows offered up for the arrival of the Persians and the expulsion of the Christians, we should doubtless have had depicted to us the foreshadowings of those dreadful tragedies which, to all time, will render the past year so painfully memorable. We may imagine and faintly conceive to ourselves some portion of the rancour of these Mahomedans, when we recollect not only their deeds, but the concentrated hatred which breathes through their petitions, and does not stop with this world, but rejoices in the idea of eternal torments for us hereafter. One cannot help enquiring whether there are really many millions of human beings in Hindustan imbued with these feelings for Europeans. I will leave those who hear me to form their own opinions on this subject, without venturing to proffer mine. We learn, however, from Mrs. Aldwell, that during the Mohurrim festival, she heard the Mahommedan women praying and teaching their children to pray for the success of their faith, and these prayers were generally accompanied by execrations against the English. Nor did even accomplishing the cruel death and sufferings of helpless women and children tend in any way to abate the ferocity of their malignity, or to waken one chord of mercy or commiseration in their breasts, for we find from the local newspapers that at the time this most hideous massacre was being perpetrated, about 200 Mussulmen were standing at the reservoir, uttering the coarsest abuse against the prisoners. Were it not too well attested, such demoniac malignity would scarcely be credible.

The next point to which I shall advert, is the circulation of the chapaties in the form of ship biscuits. Now, whether they were sent round under the fiction of a government order, signifying that in future there should be but one food and one faith, or whether, according to another interpretation, they were meant to sound a note of alarm and preparation, giving warning to the people to stand by one another on any danger menacing them, the contrivance was a most insidious one, and calculated to breed distrust and suspicion in the hearts of many who were strangers to such feelings before. That it created no stronger impression on the native mind than it did, is perhaps attributable only to the early check it received at the hands of authority, and it would doubtless be both interesting and important, if we could discover how and by whom such a proceeding was initiated. This and the false rumour about mixing ground bones with the flour had doubtless one common origin, and it is not going beyond the bounds of fair indication or reasonable inference, to attribute both one and the other to the unceasing wiles of Mahommedan conspiracy. We perceive that the Hindu sepoys under the impulse of a first re-action in their feelings, reproached the Mahommedans with misleading them, and it is a most significant fact on these proceedings, that though we come upon traces of Mussulman intrigue wherever our investigation has carried us, yet not one paper has been found to show that the Hindus, as a body, had been conspiring against us, or that their brahmans and priests had been preaching a crusade against Christians. In their case there has been no king to set up, no religion to be propagated by the sword. To attribute to them, under such circumstances, the circulation of these chapaties or the fabrications about ground bones in the flour, would be to ascribe to them acts without a meaning, and a criminal deception without any adequate motive. A very marked feature in this Mahommedan conspiracy is the activity and persistence with which it has been carried out; the circulation of the chapaties having been early prohibited by authority, and thus rendered non-effective for the purpose of extensive sedition, some other expedient was necessary to replace it, and we at once find the tale of the " bone dust mingled with flour" very adroitly selected as the substitute. It was, in fact, still adhering to the material of chapaties, and continuing the symbol of "one food, one faith." It was indeed the chapaty without its form, and without its inconveniences. The schemers had apparently learnt that the chapaty was too specific and too tangibly open to European interference to be largely availed of as an agent for evil, and hence its transformation into flour, the bone dust being added to the one as the equivalent of the form of the ship biscuit to the other. To give out then that such was the nature of the flour stored at all the depôts of supplies along the Grand Trunk Road, for, from them, during their marches, the sepoys are, in a manner, compelled to get their food, was to attain the very object the conspirators must have most desired. If true the Government had already commenced what would be deemed forcible conversion to Christianity. If they could, then, but establish a firm and general belief in this, their game was in their own hands ; and that they did succeed in doing this to a very great extent is, I imagine, undeniable. I must own that to me this apparently natural transition from the chapaties to its component parts, seems a master stroke of cunning, and evidenced most able leadership in the cause the conspirators were embarked in.

To prove, moreover, that no mean order of talent was at work, and that all the appliances that craft and treachery could avail themselves of, were resorted to, we have only to refer to the extracts from the *Authentic News*, and also to the other native publications of that period, and we shall perceive with what steadfast consistency the ulterior aim is always kept in view. The chapaties, the bone dust in the flour, the greased cartridges, were all most appropriate for the Hindus ; but a different pabulum was requisite for the Mussulmans, and we shall now see with what subtlety it was administered. The first paper commences by announcing that the King of Persia had ordered a concentration of most of his troops at Teheran, and then, declaring it to be currently reported that such a demonstration against Dost Muhammad Khan was only a strategic move to cloak the King of Persia's real design of fighting against and conquering the English, the editor makes certain that, at any rate, some change of feeling has taken place amongst the three powers. The next extract is dated the 26th of January 1857, and commences by asserting that all the newspapers agree in declaring that the King of France and the Emperor of Turkey had not as yet openly avowed themselves the allies of either the English or the Persians ; but that their ambassadors were secretly visiting and presenting their gifts to both of the belligerents. "Some people," says the editor, "think that the King of France and the Emperor of Turkey will not mix themselves up "in the quarrels between the Persians and the English ; but most people," he adds, "say, "that they will both side with the Persians. As for the Russians, however, they make no "secret of the readiness with which they are assisting, and will continue to assist, the Per-"sians, whether it be with funds or with forces. It may be said that virtually the Rus-"sians are the cause of the war, and that using the Persians as a cloak, they intend to "consummate their own designs regarding the conquest of Hindustan. It is to be believed "that the Russians will soon take the field in great force" Here then we have not only Persia and Russia advancing immediately upon India with immense armies, but France and Turkey to assist them, while the forsaken and devoted English are represented as by no means sure even of the alliance of the Afghans under Dost Muhammad. Well might the editor, after announcing such formidable coalitions, somewhat dramatically exclaim, "Let "the readers of the *Authentic News* be prepared to see what the veil of futurity will dis-"close." Accordingly, in the next extract, we perceive that "the King of Persia had solemnly "promised to his courtiers, the Governorships of the different presidencies and places : one "is to get Bombay, another Calcutta, and a third Poonah," while the crown of Hindustan is plainly spoken of as reserved for bestowal on the King of Delhi, this very Prisoner before us. You will recollect, Gentlemen, that several copies of this paper, the *Authentic News*, used to be sent to the palace, and one can imagine the joy and exultation with which such passages must have been perused, especially when, added thereto, is the assertion that the Emperor of Russia had sent an effective and thoroughly appointed army of 400,000 men with abundant munitions, to assist the King of Persia in his hostile designs upon India. But it was not in the palace, and by the princes alone, that such paragraphs were read with avidity; the whole population was intent on them. Sir Theophilus Metcalfe has told us that the subject of the advance of the Persians upon Herat was much discussed among the natives, and frequently in connection with the idea of Russian aggression upon India; every newspaper having at this time its correspondent in Cabul. Nor indeed did the discussion and interest excited by these concocted hostile movements cease here, for the same witness declares that agitation about this time prevailed among the sepoys, and that about five or six weeks before the outbreak it was currently reported in their lines, and much discussed among them, that 100,000 Russians were coming from the north, and that the Company's Government would be destroyed, and in fact that the idea of a Russian invasion was universally prevalent. The venom and virus of these false publications were then taking their intended effect, and it would seem a mere perversion of reason longer to blind ourselves with the idea that the outbreak was fortuitous, or that a greased cartridge occasioned it. In a former article of the *Authentic News*, we have seen Dost Muhammad alluded to as but a doubtful ally of the English. In this one, however, as events progress, he is spoken of as being secretly in league with the King of Persia, and that superstitious aid may not be lost sight of, it is remarked how wonderfully four distinct unexpected coincidences had impelled the King of Persia to declare war against the English. The first was that Herat, in another place described as the key of India, had so easily fallen into his possession; the second the unforeseen coming of the Russians to assist him; the third, the nobles of Persia unanimously counselling an advance on India, and predicting that God would bestow victory; and the fourth, the simultaneous rising and assembling of the whole of Persia for the prosecution of a religious war. Portents and miracles were likewise brought forward still further to excite the Mahommedan mind, as the following extract from the *Authentic News*, dated 15th of September 1856, will sufficiently prove. It is headed

LOCAL News from the Hansi District.—" A man just come from the country " tells the editor, that unlike other places, the Huli is being burnt there at this " season of the year, and the saturnalia attending the festival are now going on. The " man who states this, ascertained on enquiry that the reason for the unseasonable " observance of this festival is, that three girls were born at a birth, and the three spoke " immediately. The first said 'The coming year will be one of great calamities, various " 'calamitous visitations will afflict the nation.' The second said, 'Those who live will see' " and the third, in an impressive and forcible tone, said, 'If the Hindus will burn the " Huli in the present season they will escape all these evils. God alone is omniscient.' "

It is too much, I am afraid, the case, with persons accustomed to European habits of thinking to view such statements and articles as these merely in reference to the impression they would be likely to make on themselves. The taking of Herat, the predictions of the nobles, &c., and the fabulous prophecies of these girls, would, in that case, receive hardly passing attention. But we should commit a grievous and most fatal error, if we were to guage Asiatic thoughts and understandings by the same measure that would be applicable to our own. If, avoiding this mistake, we proceed to consider the above editorials in relation to the people they were written for, we shall find that they are not only most insidiously worked up to meet their particular prejudices, but are also made to bear a striking affinity to the fulfilment of their prophecies; to the dreams of Hasan Askari; to the negotiations of Sidi Kambar; and to the ancient traditions of Mahommedanism. Are we then to suppose that in all this there was no connection between the palace and the press? were all these concurrences fortuitous? Can it be that the dreams of the priest, the plots of the court, and the fabrications of the newspapers worked accidentally together? We have already seen the decoys by which the Hindu sepoys were to be gained: and is it not the same spirit of evil that we can recognize, here? Are the circumstances appealing to Mahommedan pride, to their superstitious bigotry, to their lust for religious war, and to their hatred for the English, dwelt upon with a less perfect knowledge of their peculiar inherences? In an extract from the *Authentic News* dated the 19th of March, it is stated that 900 Persian soldiers, with some officers of high rank, had entered India, and that 500 more were then staying in Delhi itself in various disguises. It is true that this is given out on the authority of one Sadik Khan, a person whose identity not being established, was evidently in disguise even to his name; but this very circumstance was no doubt a part of the scheme. It gave an air of greater mystery to the announcement of the paper, and seems to have been purposely contrived to let the imagination of the readers supply an exaggerated idea of his real rank and importance. How, it may be asked, even under this cloak of a false name, could such a statement be given forth in the leading newspaper of the city, without some deep and ulterior object? It not only assigns deep conspiracy to the Persians, but, if false, as we know it to have been, is proof of conspiracy in the editor and those who employed him. This name of Sadik Khan, be it remembered, was the one attached to the proclamation purporting to be from Persia, and put up in the Jama Masjid. The proclamation, then, and the assertion about these 900 Persian soldiers, were evidently parts of one and the same scheme, and seem to have been thus linked together that the one might, in a measure, support the other. If, for instance, any questioned the authority of the proclamation, there was the answer ready that the bringer of it was actually in the city with 500 other Persians also in disguise, and *vice versâ*. If the advent of the Persians was disbelieved, was not the proclamation a voucher for its reality? The same depth of artifice is apparent every where; and the more we consider the subject, the more fully convinced we shall be of the wiles and stratagems so systematically resorted to. For instance, what would such a proclamation as that attributed to the King of Persia, have been, without some demonstration, feigned or real, to support it? The sword depicted on one side, and the shield on the other, would have been equally meaningless, but for the story of the men in disguise, and the officers of high rank who evidently must have been deputed to carry it through. The proclamation, so evidently false, is, for that very reason, one of our truest and most reliable expositors of conspiracy, and of Mussulman conspiracy too. It is, in fact, impossible to account for it under any other hypothesis. Who then was it that designed and wrote the proclamation? This question, I believe, could be answered in every detail by the editor of the paper, who has recurred to it so frequently. It is evidently a pet subject of his,—one on which he seems to be thoroughly at home. He has the exact transcript of it, is able to epitomize it, and no doubt was equally well informed as to the preparation of it.

I do not mean to wade through, and to quote all the extracts from the newspapers that bear out the fact of a Mahommedan conspiracy. That appears to me unnecessary, for I believe I shall have no difficulty in establishing it by other testimony. However, there is one other extract, which it would be wrong to leave unnoticed. It bears date the 13th of April, and must have been the origin of the report that Sir Theophilus Metcalfe, alludes to, when he says that about fifteen days before the outbreak, it was currently reported that an anonymous petition had been presented to the Magistrate, stating "that "the Cashmere gate of the city would be taken from the English. This being the chief "stronghold in the city and main connection with the Cantonments of Delhi, it would naturally be the first point seized in any attempt at insurrection in the city, and being the only "gate at which there was any military guard, the importance of it, in a strategical point of "view, must have been obvious to all." Sir Theophilus Metcalfe proceeds to say "that this "petition was never received; but that the current report about it was indicative of what was "then occupying the thoughts of many of the natives." So, no doubt, it was; but it was also much more than this, for it was the real exposition of an article which the editor dare not, without disguising it, put into print. With what ingenuity and craft the idea is worked out, so as to become intelligible only to those who were meant to understand it, must now be obvious to all. The editor says several petitions have been given into the Magistrate's Court, and in these it is also mentioned that "a month hence from this date an overwhelming attack will be made on Cashmere, of the salubrity and beauty of which a poet has said— "'That should a parched and burnt up soul reach Cashmere, though he might be a roasted "'fowl he would recover his wings and feathers, and that this cool and heavenly country "'will come into the possession of the writers of the petition.'" How, it may be asked, were the writers of the petitions given into the Magistrate's Court at Delhi to take Cashmere, and who does not now perceive that the Cashmere gate of the city of Delhi was thus indicated by the country from which it derives its name, and that the salubrity and beauty of the former were to represent the importance and its fitness for their objects, of the latter. I shall not here pause to consider whether, under the simile of a parched and burnt-up fowl, the prisoner before us was intended. He no doubt expected to recover some of his lost plumage by seizing the gate, and with it was meditating a flight to a higher elevation. In declaring on the 13th of April, that in one month from that date, an overwhelming attack would be made on this very point,—for it was here the officers were shot down,—the editor of the *Authentic News* was either the confidant and accomplice of conspiracy, or had soared into the regions of actual prophecy.

The coincidence of the above cautiously worded announcement of the editor, and the indiscreet revelations of Jawan Bakht are certainly startling. The doubly foretold attack took place on the 11th of May, and after what has been proved in regard to Mahommedan treachery, is there any one who hears me that can believe that a deep planned and well concerted conspiracy had nothing to do with it?

The proofs of the intimate connection of the Prisoner with it, do not, however, rest here, for Moujud, the Abyssinian, who was not merely in the service of the King, but was his private special attendant, and was always near his person, takes Mr. Everett aside and tells him that he had better leave the Company's service, and, with his troop, go over to the King, as this hot weather the Russians would be all over the place. Mr. Everett seems to have laughed at this, and to have thought it but the man's foolishness; but we have now direct proof that it was something far deeper than that, for at their next meeting, which occurred about a month after, the outbreak had been accomplished. Moujud says to him, "Did I not tell you to come away?" and then as it were in explanation of the warning, proceeds to reveal to him the whole of the Sidi Kambar transaction: how, two years before, he had been sent to Constantinople as ambassador from the King of Delhi;—how he had started on the pretence of going to Mecca, and how he had promised that he would return when the two years had expired. This explanation seems to me a very remarkable one. It shows clearly that it was not merely on the basis of an expected disturbance at Meerut that such a proposal was made, but that a far wider web of sedition was weaving. Who can now believe that none of the Mahommedan native officers and men of the regiments at Delhi and Meerut had been tampered with? Mr. Everett, as a Christian, was surely one of the last the conspirators would apply to. It should be remembered likewise, that Mr. Everett had none of his regiment with him at Delhi, and that had there been any Mussulman officers of the corps present, they would doubtless have been preferred to a Christian. At the time too when the application was made to him, the sentence of the Meerut court-martial must have been unknown in Delhi. It was not, then, as a consequence of, but as an addition and an adjunct to, what was anticipated at Meerut, that preparation was being made here; and by whom was this being done? Could a mere private servant and personal attendant, however great and favorite he might be, offer service to a risaldar and a whole troop of cavalry, withdrawing their allegiance from the Government, without any authority for so doing from his master? Who could have given the King's service to so large a body, but the King himself? I would beg those who hear me seriously to consider these questions, and then determine whether the answers to them do not bring home personal complicity in compassing the rebellion, to the Prisoner in Court. We have been informed too by Mukund Lal, the secretary, that it is now about three years since some Infantry soldiers stationed at Delhi became disciples of the King, and that, on that occasion, the King gave each of them a document detailing the names and order of those who had preceded him in the direct line of disciples to each other, himself included, together with a napkin dyed pink as an emblem of his blessing. Now three years ago from the present date, is about the time of Sidi Kambar's embassy to Persia, and of the apparent first commencement of Mahommedan conspiracy; and it certainly is a somewhat instructive fact to find that the occasion chosen for such an unwonted manifestation of piety on the one hand, and such an unusual display of kingly condescension on the other, was precisely that in which intimate relations between them of a more political character were beginning to be thought of. The Agent of the Lieutenant-Governor of course put a stop to these exhibitions; but, from that day, adds the witness, it may be said that a sort of understanding was established between the army and the King. I think it will be conceded, that in addition to the charges, five facts have been established, *viz.*, the concerted dreams and predictions of Hasan Askari the priest; the mission to Persia and Constantinople of Sidi Kambar the Abyssinian; a deliberate continuous plan of exciting distrust and revolt among the Hindus; a similar plan, by the fabrications of the native press, for inciting the Mussulmans to a religious war; and lastly, by these means and others, an indirect, and also a personal tampering with the fidelity of the Hindus and Mussulmans of the native army. Has or has not a guilty participation in all these five points been traced to the Prisoner? If the question, (as I believe it will be), should be answered in the affirmative, there will still remain another to be responded to, of perhaps still greater importance, *viz.*, Has he in these transactions been the leader, or the led, has he been the original mover, the head and front of the undertaking, or has he been but the consenting tool, the willing instrument in the hands of others, the forward, unscrupulous, but still pliant puppet, tutored by priestly craft for the advancement of religious bigotry? Many persons, I believe, will incline to the latter. The known restless spirit of Mahommedan fanaticism has been the first aggressor, the vindictive intolerance of that peculiar faith has been struggling for mastery, seditious conspiracy has been its means, the Prisoner its active accomplice, and every possible crime the frightful result. It was however rather as the head of the Mahommedan religion in India, than as the descendant of a line of Kings, that I believe the Prisoner's influences were desired; the one indeed is so inseparable from the other, that it is difficult to say where the difference commences. It was the union of the two—the religious and the political—that gave such importance to the Prisoner as one of the abettors of conspiracy.

Thus the bitter zeal of Mahommedanism meets us every where. It is conspicuous in the papers, flagrant in the petitions, and perfectly demoniac in its actions. There seems indeed scarce any exemption from its contagious touch. The Prince Mirza Abdulla robbing his confiding visitor and former friend, and then sending his uncle to compass her death, seems no exaggerated instance of it. It is again represented by the Mahommedan officer, Mirza Taki Beg at Peshawur, who, while in high employment and pay by the British Government, complacently quotes from his books that a change will take place, and that the British rule will soon be overthrown. It finds a still more unmistakeable disciple in Karim Baksh of the Delhi Magazine, who, while drawing English pay, avails himself of his scholarship and knowledge of Persian, to send circulars to the native regiments, to the effect that the cartridges prepared in the magazine had been smeared with a composition of fat, and that the sepoys were not to believe their European officers, if they said any thing in contradiction of it. It will be recollected how active in his enmity, this man proved, when the King's troops were attacking the Magazine: how he kept up a secret communication with them, and how completely he identified himself, from the commencement, with the conspirators. Can there be a doubt that he was one of those who had been successfully tampered with; that, while ostensibly serving the English, he was, in reality, in the pay and confidence of those seeking their destruction?

But why multiply instances of this sort? I would gladly cite some of a different tendency, and the petition of Muhammad Darwesh, in his admirable letter to Mr. Colvin, must not be passed over. It is one noble instance of faithfulness from a Mahommedan to the British. I am sorry I cannot class with it the petition purporting to be from Nabi Baksh Khan to the King, pronouncing it unlawful to slay women, and calling for a decree to that effect from the doctors of the Mahommedan religion; for since I delivered the paper into Court, considerable doubt has been thrown on its having been written at the time indicated, and it seems by no means improbable that it was fabricated after the capture of Delhi, for the purpose of obtaining rewards and other advantages. Indeed, a further attentive perusal of it has convinced me that it is so; for no one in the situation of Nabi Baksh Khan would have dared to advise or propose to the King to let the soldiery first wreak their rage on his own royal person, as Nabi Baksh Khan pretends to have done. There are certainly a few instances in which the Mahommedans have behaved with kindness to the English, and not the less pleasing on account of the humble grades in which these instances occur. We may perhaps deduce from this, that the teachings such as are prescribed by their prophet, have no softening effect on the hearts of his followers, nay more, that education in such doctrines leads to ferocity and revolting crime, and is utterly incompatible with feelings of even ordinary humanity.

In the course of this address, I have dwelt, long and frequently, upon those circumstances, which appear to demonstrate that to Mussulman intrigue and Mahommedan conspiracy we may mainly attribute the dreadful calamities of the year 1857: I have endeavoured to point out how intimately the Prisoner, as the head of the Mahommedan faith in India, has been connected with the organization of that conspiracy either as its leader or its unscrupulous accomplice: I have alluded to the part taken by the native press and Mahommedans, in general, as preparing the Hindus for insurrection, and the native army, in particular, for revolt, and perhaps in further corroboration of such facts, it may be as well to advert to the share that may be assigned to the Mahommedans in getting the cartridges refused on the parade ground of the 3rd Light Cavalry. Out of these 85 troopers, the far larger moiety was *Mahommedan*. These men had no caste, and to them it could not possibly have mattered whether pig's and cow's fat was smeared on the cartridges or not. Captain Martineau tells us that at the Ambala depôt, as far as the cartridge question was concerned, the *Mahommedan* sepoys laughed at it, and we thus perceive that these men initiated open mutiny without one pretext for so doing, or the shadow of an excuse. They had not even the extenuation of a pretended grievance; yet they, at once, leagued themselves in rebellion against us, and induced the Hindus to join them, by speciously exciting them, on that most vulnerable of points, the fear of being forcibly deprived of their caste. I say, induced the Hindus to join them, for such is the evidence before us, and this too on a pretext in which the Mahommedans could have had no possible sympathy with them. Nor indeed were the Hindus long in discovering this, for as a witness, who has been frequently quoted, informs us, "immediately after the battle of the Hindan, they spoke with much regret of the "turn that affairs had taken, reproached the Mahommedans for having deceived them, and "seemed to doubt greatly that the English Government had really had any intention of "interfering with their caste. Great numbers of the Hindu sepoys at this time declared "that, if they could be sure their lives would be spared, they would gladly go back to the "service of the Government; but the Mahommedans, on the contrary, used to assert that "the King's service was much better than that of the English; that the Nawabs and "Rajahs would supply the King with large forces, and that they must eventually conquer." If we now take a retrospective view of the various circumstances which we have been able to elicit during our extended enquiries, we shall perceive how exclusively Mahommedan are all the prominent points that attach to it. A *Mahommedan* priest, with pretended visions, and assumed miraculous powers—a *Mahommedan* King, his dupe and his accomplice—a *Mahommedan* clandestine embassy to the Mahommedan powers of Persia and Turkey resulting—*Mahommedan* prophecies as to the downfall of our power—*Mahommedan* rule as the successor of our own—the most cold-blooded murders by *Mahommedan* assassins—a religious war for *Mahommedan* ascendancy—a *Mahommedan* press unscrupulously abetting—and *Mahommedan* sepoys initiating the mutiny. Hinduism, I may say, is nowhere either reflected or represented; if it be brought forward at all, it is only in subservience to its ever-aggressive neighbour.

The arguments in reference to a Mahommedan conspiracy are now closed. I do not mean that many others might not be deduced from the proceedings before us, for I have selected only those that appeared to me the most prominent. I would wish, however, before sitting down, to quote one question and answer from Captain Martineau's evidence. "Did you ever hear any of the sepoys speak com-"plainingly of the efforts of English missionaries to convert natives to Christianity?" *Answer.*—"No, never in my life, I don't think they cared one bit about it." I believe there is no officer whose duties have given him much experience of the sepoy's character or any insight into his feelings and prejudices, but will readily confirm the correctness of this opinion. There is no dread of an open avowed missionary in India. It is not the rightful conversion to Christianity, that either sepoys or natives are alarmed at. If it be done by the efforts of persuasion, of teaching, or of example,—the only means by which it can be done,—it offends no caste prejudice, excites no fanatical opposition. A candid undisguised endeavour to gain followers to Christ, has never, that I am aware of, been viewed with the slightest sign of disapprobation by any portion of the natives, and, were it more constantly before their eyes, who can doubt that it would remove this present dark and debasing error that Christianity is itself a caste, and its only distinguishing tenet the privilege of eating every thing. If this degrading idea were removed, the chief fear of the Hindus would vanish with it. Let them see that it is impossible to make converts to Christianity by force, and you deprive the seditious of their most potent weapon of mischief. Christianity, when seen in its own pure light, has no terrors for the natives. It is only when kept in the shade, that its name can be perverted to an instrument of evil.—But I may, if I proceed further, be trenching on questions of state policy.—I beg then to tender my thanks to the Court for the patient hearing they have given me, and to Mr. Murphy, the Interpreter, for the able assistance he has, in that capacity, afforded me on this, and the other State trials. His very high attainments as an oriental scholar have been most conspicuous. In the fluency of *vívâ voce* examinations; in the quick readiness with which all kinds of papers, in different hands, have been deciphered and read; and in the correctness and spirit of the written translations of documents of no ordinary difficulty; his complete knowledge both of Urdu and Persian has been thoroughly attested. The notes appended to many of these papers are valuable in themselves, and speak more forcibly than I can do of Mr. Murphy's very high proficiency as an Interpreter. I should be wanting both to him and myself if I did not thus record my obligations to him.

F. J. HARRIOTT, *Major,*
Dy. Judge Advocate Genl., and Govt. Prosecutor.

DELHI,
The 9th March 1858.

The Court is closed to consider its finding.

FINDING.

The Court, on the evidence before them, are of opinion that the Prisoner Muhammad Bahadur Shah, Ex-King of Delhi, is Guilty of all and every part of the Charges preferred against him.

M. DAWES, *Lieut.-Col.,*
President.

DELHI,
The 9th March 1858.

F. J. HARRIOTT, *Major,*
Deputy Judge Advocate General.

Approved and Confirmed.

N. PENNY, *Major-General,*
Commanding Meerut Division.

CAMP SAHARUN,
The 2nd April 1858.

The Court at 3 P. M. adjourns *sine die.*

SUPPLEMENT

TO

THE PROCEEDINGS ON THE TRIAL OF MUHAMMAD BAHADUR SHAH,

EX-KING OF DELHI.

EVIDENCE of Hakim Ahsan Ulla, late confidential physician to the Ex-King of Delhi.

SINCE the time when, during the administration of Lord Ellenborough, the *nazar*, which used to be presented to the King of Delhi on the part of the Governor General, was discontinued, the King was always very much grieved. At first, he wrote on the matter to England, and he always afterwards used to complain against the order, and to express his dissatisfaction thereat.

Subsequently, the King was very much grieved in consequence of the Government not having acceded to his wish, that his youngest son, Mirza Jawan Bakht, might be recognized as heir-apparent, and having ruled that the eldest son, Mirza Fateh ul-mulk, should be his successor. Some time afterwards, Mirza Haidar, son of Mirza Khan Baksh, son of Mirza Sulaiman Shikoh, arrived from Lukhnow with his brother Mirza Murid. They had frequent access to the King; and, first of all, prevailed upon him to write to the Agent, intimating to that officer, that he (the King) had appointed them, (the princes,) as his agents at the government office. The Agent to the Lieutenant-Governor, however, did not consent to this arrangement, as it was contrary to usage to depute shahzadahs on such duty. The shahzadahs then carried away with them several papers, after impressing upon them the seal of the King. They had free access even into the female apartments of the King.

At Lukhnow Mirza Haidar offered an *alam* (standard) on the part of the King of Delhi at the shrine of Shah Abbas, and delivered to the *Mujtahid* (High Priest) a note written in pencil, and bearing the seal of the King of Delhi, in which the latter agreed to adopt the Shia creed, and decried the Sunni tenets. This information was obtained from communication received from one or two princes who professed the Sunni creed, and also from petitions received from several Sunnis to the address of the King. Among them I remember the names of Amin-ul-rahman Khan, a native of Delhi, but who was residing at that time at Lukhnow, and Sidi Bilal, who was formerly in the service of the King of Delhi, but had subsequently taken service at Lukhnow. When the circumstance became known at Delhi, certain *Ulama** waited on the King and begged to be informed of the facts. The King replied that Mirza Haidar had procured the King's seal being put upon all papers which they had written, and had taken away the papers to Lukhnow, and that the King had also written a shukka† to the Mujtahid.

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* Divines.

† Mandate.

But the King added that his shukka to the Mujtahid merely stated that he (the King) loved very much the *Ahl-i-Bait*,[*] and that those who did not love them were not Mahommedans. Subsequently, at the request of the King, the Agent to the Lieutenant-Governor procured for him from Lukhnow, a copy of the King's shukka to the Mujtahid. The subject matter of the paper coincided with that represented in the petitions which had been received from Lukhnow. It was then believed, that besides the shukka to the Mujtahid, the King must have addressed the King of Oudh also, who was also a Shia, and that Mirza Haidar must have held out hopes of gain to the King of Delhi if he should unite himself with the King of Oudh.

About one year afterwards, a report was current to the effect that Mirza Najaf had proceeded to Persia. Mirza Najaf was brother to Mirza Haidar, and nephew to the King of Delhi. This report was also published in the newspaper conducted by Moulavy Bakar, in which it was also mentioned that Mirza Najaf had been treated with consideration by the King of Persia. I enquired from Mirza Ali Bakht, who was a great friend of Mirza Najaf, whether the latter had carried any letter from the King of Delhi to the Sultan of Persia. He replied in the affirmative, and described its contents to be, to the effect that the King of Delhi had adopted the Shia creed, and the King of Persia should help him. Moreover, in that letter, the King of Delhi described his miserable and helpless condition. Mirza Ali Bakht at the same time stated that no reply had been received from Persia. A few months afterwards Sidi Kambar applied for leave to proceed on pilgrimage to Mecca. The leave was granted through Hasan Askari, a Pirzadah of Delhi, and some money was also given for his way expenses. After a few days Jat Mall, who was a servant of the British Government, stationed on duty at the palace, enquired from me whether it was true that Sidi Kambar had proceeded on pilgrimage. He said he believed that the man had not gone on pilgrimage, but to Persia. I replied I know nothing about the matter; but having made enquiries privately, I ascertained from the eunuchs that the man had really gone to Persia, and that Hasan Askari the Pirzadah, servant of the King, had delivered to him at night time, certain papers which bore the seal of the King. From this it appears to me clear that Sidi Kambar had been sent to Mirza Najaf, to obtain a reply to the previous communications of the King. These matters were concealed from all the Sunnis (among whom I myself was one), because Mirza Haidar had caused the King to change his religion. But I obtained the above information from other people. It may also be mentioned that the King was always very anxious to obtain intelligence of the events which were occurring towards Persia, during the time when war was going on at Bushire.

Mirza Haidar was not an insignificant man. He was a relative of the King of Delhi, *i. e.*, his nephew, and used to receive a pension of 1,000 rupees per mensem from Lukhnow. He was a hereditary Shia; both his grand-father Sulaiman Shikoh, and his father Khan Baksh, being of that persuasion. According to his faith, it was a pious and creditable act to make proselytes, and he must have seen that he would derive much personal advantage if he could succeed in converting the King of Delhi, inasmuch as he would in that case have three Kings professing the same creed as his own, *viz.*, the Kings of Delhi, Lukhnow and Persia.

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[*] The literal meaning of the phrase is *members of the family*, *i. e*, the children of the prophet. These were distinguished from the friends of the prophet, who was immediately succeeded, not by members of his family, but by his friends. It will be remembered that the fundamental ground of opposition between Shias and Sunnis consists in the fact that the former do not admit the legality of the succession of the friends, and consider that they were usurpers, whereas the Sunnis, while admitting the right of the prophet's children to succeed him, yet deny that the "friends" were usurpers.

There can be no doubt that the idea of communicating with the King of Persia was first suggested by Mirza Haidar, who contemplated much advantage to himself; and it is probable that he desired that the conversion of the King should become known by means of a newspaper to the Shah of Persia, previous to the arrival of his brother, Mirza Najaf, in Persia, so that the latter might be treated with consideration and honor.

The King Bahadur Shah hardly cared to observe any precautions in regard to his political plans. His common servants had much influence over him. Nothing could remain concealed from the eunuchs, because they had access to every place and at all times. This King also admitted his Begums to a share in his political policy. Accordingly, to please the Zinat Mahall Begum, he applied for her son Jawan Bakht, though incapacitated by his younger age, to be recognized as his heir. The eunuchs were in possession of every secret, because they had free access even into the secret apartments; the eunuch Mahbub Ali was at the head of the King's affairs.

I never read the letter which was addressed by the King of Delhi to the King of Persia. I have repeated what I learnt from Prince Ali Bakht. I consider that the King of Delhi must have asked for help in the shape of money and troops. The King worshipped money; a proof of which assertion may be seen in the fact that he changed his faith in his old age, only through covetousness.

I never heard from any person that any allusion was made in the letter to the King of Persia, to the scheme of exciting the native army to mutiny against the Government: nor do I consider that any such scheme could have been alluded to at that time, because nothing of the sort was then talked of.

I think that at the time when the King of Delhi thought of seeking an alliance with Persia, it did not occur to any one to arrange for winning over the native army.

I learnt from the eunuchs (Basant and Kali Khan, the persons who informed me that Sidi Kambar had been entrusted with sealed papers) that at the time when the papers were sealed and delivered to Sidi Kambar, the King directed the man to carry them to Mirza Najaf, and to obtain replies to them and the previous communications.

I think that there was nothing new mentioned in the papers which were delivered to Sidi Kambar, because, although I never read them, the eunuchs would have mentioned it to me if there had been any.

Sidi Kambar went to Persia after it had been known and published in a newspaper, that Mirza Najaf had reached that country. The province of Oudh was incorporated with British territory, about one year after Sidi Kambar had left India. The *emeute* at Hanuman Garhi also occurred after the departure of the Sidi.

From the conversation of the King, it appears that when war was going on in Bushire, he had strong hopes of receiving aid from Persia in the shape of money and troops, and during that period he used constantly to make enquiries regarding the events which were transpiring in that quarter.

When the King first wrote to Persia, nothing was known in regard to his expectations, because every thing was concealed. But when it was known that Mirza Najaf had reached Persia, and battles were being fought at Bushire, it appeared that the King had hopes from that quarter.

Bahadur Shah was not concerned at the determination of Government to cause the palace to be evacuated by the royal family after his death, because this determination of the Government was known after the right of succession had been allotted to Mirza Fateh-ul-mulk, to whose succession the King was opposed. Indeed, the King used often to remark that the Mirza (Fateh-ul-mulk) had little reason to rejoice at his succession, for after him (the King), his successor would neither have any authority nor would he be permitted to reside in the palace. This shows that the above determination of Government in regard to the evacuation of the palace was not the cause of the King's alienation.

During the period of the war with Persia, some of the princes used to observe that if the Emperor of Russia were to aid the Persians, the English would be defeated, and the Persians would become masters of India; and the King himself coincided in this opinion.

I never heard that Mirza Najaf conveyed any intelligence from Persia to Delhi. He might have sent news (if he did send any), to his brother Mirza Haidar at Lukhnow.

When the King expected aid from Persia, no effort was made to win over any of the native princes; and the reason is that Mirza Haidar never returned from Lukhnow after he proceeded to that capital. This individual was a very skilful intriguer; he first suggested the idea of communicating with the King of Persia, and it is likely that he would have also suggested the winning over of the native princes if he had been present at the court of the King.

The King was offended with Lord Ellenborough for His Lordship's having discontinued the *nazar* which used to be presented on the festival of the *Eed*, the *Bukr Eed*, the *Nau Roz* and the King's birth-day. He was also offended with the Lieutenant-Governor of Agra, for having refused to recognize Mirza Jawan Bakht as the heir-apparent, and allotting the right of succession to Mirza Fateh-ul-mulk. With the British Government generally, or any other British officer individually, he was not dissatisfied; nor was he hostile to the Christian religion.

In making " Murids" (disciples) the King was guided more by religious than worldly motives. The sepoys of the native army were not the only men who became his Murids. Others also adopted him as their spiritual guide. This practice was in vogue before the disturbances. Bahadur Shah's father also used to make Murids, though Bahadur Shah introduced the innovation of giving a handkerchief colored light red to his followers. This practice originated in this wise. The Pirzadahs of Delhi, who were spiritual instructors to the Kings of Delhi, impressed upon the minds of the people that the King was the divine vicegerent in spiritual matters upon earth, and that it was a creditable act to adopt him as their spiritual guide.

After all, there is this much advantage in adopting the practice that the spiritual instructor is obeyed by his followers on all matters whether secular or spiritual. The practice of making Murids first came into operation during the time of the father of Bahadur Shah; but the latter gained a larger number of followers.

Only one method existed in which Murids were made.

I never heard that the King had any idea that his making Murids of the native sepoys would alienate them from the British Government. But, it is evident that a " Pir" expects his Murids to unite themselves to him under all circumstances.

I never heard that any sepoy out of the number who resorted to Delhi, mentioned to the King that he (the sepoy) had joined in consequence of his being his (the King's) disciple. Indeed, none of the disciples came, nor did any produce the red handkerchief. Moreover, none of the sepoys adopted the King as his spiritual guide during the five months of their occupation of Delhi. I am not aware of the cause. Perhaps those sepoys who were the King's disciples were absent on leave, and so far as I could gather from the records of Mirza Moghal, which have been since taken over by Government, and which I had seen, I can say that I found no mention of any of the King's disciples therein, nor did I observe in them any petition which contained an account of any of the Murids.

No sepoy became the King's Murid during the five months following the cartridge question. I was present all along, and should have known if any had become the King's disciple.

The King's Murids were made invariably from among Mahommedans and from no other caste.

I never heard that the King carried on correspondence with the native troops ; but he used to make anxious enquiries about the native army whenever any war took place. And inasmuch as he was dissatisfied with the British Government, he took a pleasure in hearing of their defeat or reverses. He expected that any other ruler who might subvert the British rule would treat him with greater respect and honor, in consideration of the King's dynasty. In short, he believed that his own prosperity would go hand in hand with the ruin of the British power.

I do not remember well, but I believe information must have reached the King of the mutiny of some of the native regiments after the annexation of Panjab in consequence of the discontinuance of batta ; and I doubt not but that the King learnt the fact with satisfaction.

I do not remember exactly the month in which intelligence was received of the regiment near Calcutta having refused to receive the new cartridges. I only know that the information was obtained from a Calcutta newspaper ; and when it was known that the discussion about the cartridges was spreading, it was remarked that, in as much as the matter touched the religion of the people, the excitement would spread extensively over the entire length and breadth of the country, and the native army would desert the British Government, whose rule would then be at an end. The King remarked that he would, in that case, be placed in better circumstances, in as much as a new dominant power would treat him with greater respect and consideration.

The princes of the royal family used to remark that the native army would go over either to Nepal or Persia. But they had no idea that they would unite themselves with the King, because he had neither money nor troops.

Although the issue of the new cartridges was the ostensible cause of the mutiny, it was not in reality so. Some individuals of the native army had long before been adverse to and dissatisfied with the British Government. They considered that they were treated with severity, and eagerly seized the opportunity of the issue of new cartridges as affording a good pretext for their defection. The wily and intriguing among them made it the fulcrum of their designs to excite the whole army against their rulers, and, mixing therewith a religious element, alienated the minds of the troops from the Government. They believed that they alone constituted the power of Government, and that against them the British had not the means of fighting. The mass of the people were ignorant ; they believed that the Government was intent upon polluting their religion ; indeed, it was notorious that the Commander-in-Chief had undertaken upon himself to christianize the whole of India in two years. Thus did the intelligent and cunning plan their designs ; and the ignorant followed them.

I consider that the native army was impregnated with malevolent intentions towards the British Government ; and had even the new cartridges not been issued, they would have made some other pretext to mutiny, because if they had been actuated by religious motives alone,* they would have given up service ; and if they wished to serve they would not have mutinied.

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* Men's motives are seldom pure ; they are swayed by mixed desires. The sepoys believed that their religion was in danger, and resisted accordingly. Had they given up service, what was to become of them? Religion and personal interest combined to urge them to resist.

It was the King's opinion that the Government really intended to change the religion of the people; but I frequently explained to him that this was only a rumour set afloat by wicked people. For, I added, the British were wise people who would do nothing which was calculated to injure whole masses of people, nor could I believe that they would seek to injure an army from whom they expected good service. This argument satisfied the King, whenever I explained to him; but he relapsed into his own way of thinking as often as he listened to the representations of his eunuchs and ranis.

No intelligence was received in my presence from Meerut. Early after sunrise on the morning of Monday, a sepoy of the volunteers, who was stationed on duty at the Lahore gate, came and told the porters of the Dewan-i-khas that the Government troops had mutinied at Meerut, and that the infantry and cavalry would shortly arrive at Delhi. About an hour after this, the regiment stationed in the cantonment of Delhi entered the palace, and shortly afterwards, the Meerut troops also arrived in the palace. Before this, no news was received.

It was never mentioned in my presence that any information had been received of a court-martial having assembled at Meerut to try those sepoys who had refused to receive the new cartridges.

It is not unlikely that news to this effect was received by means of some newspaper, five or six days afterwards.

I do not believe that any one was sent by the King to Meerut to procure information of the proceedings at Meerut, in regard to the refusal of the sepoys to receive the cartridges, at the time when they were going on at that place.

I did not hear that Zinat Mahall had sent any one to Meerut for the above purpose.

Yes, the King was surprized to see that the troops had come to him. I also wondered at the circumstance, because nothing had transpired immediately before their arrival, which might have led us to expect them, though when the discussion about the cartridges first became known, it was believed that it would cause some mischief.

On the evening of the same day on which the troops arrived, I represented to the King that nothing good could be expected from them, inasmuch as they had mutinied against their masters. And I addressed a letter to the Lieutenant-Governor of Agra, on the part of the King, informing him of the arrival of the troops, after they had murdered their European officers, and representing the King's inability to take any measures against them, and begging for help in the shape of European troops.

In the morning I had no private conversation with the King, because the palace was so much crowded with the mutinous troops, and the King's servants, that I did not find any opportunity of speaking to him.

The King was not prepared beforehand for the arrival of the mutineers, because when I and Ghulam Abbas, the King's Wakil, communicated to him (the King) the request of the officer commanding the Palace Guards and the Agent to the Lieutenant-Governor, to the effect that two of the King's guns together with artillerymen might be sent to the Lahore gate, and also two palanquins with bearers to Captain Douglas, the King, without making any excuse, gave orders for their being sent as requested.

Nobody can tell what was the object of the distribution of the *chapatis*. It is not known who first projected the plan. All the people in the palace wondered what it could mean. I had no conversation with the King on the subject; but others talked in his presence about it, wondering what could be the object.

I consider that the chapati affair probably originated with the native troops, and the distribution first commenced in Oudh. I also wondered what it was, but considered that it implied something.

I consider that the distribution of the chapatis first began in Oudh.

It was the opinion of some, that the native troops had designed these chapatis as emblematical of some particular object. Others believed that there was some charm attached to them, inasmuch as they were distributed unknown all over the country, and without it being known who first originated the idea, and whence they were first sent out. People also believed that these chapatis were the invention of some adept in the secret arts, in order to preserve unpolluted the religion of the country, which, it was reported, the Government had proposed to themselves to subvert in two years.

I understood from the officers of the army that they had mutinied in consequence of the Government having used fat in the preparation of cartridges, and mixed ground bones with flour, which Government wished to use as the means of converting the people. This was generally assigned as the reason of their taking up arms against Government: but I learnt from Haidar Hasan, who was very familiar with the officers of the troops, that they spoke privately as follows:—"If we continue united together, "we shall not be defeated by the Government troops, but shall become masters of "the country."

I consider that the native troops mutinied in the hope of worldly gain. The admixture of religion was only intended to disguise their real object. If they were really fighting for religion, they would not have plundered the houses and property of the people, nor would they have oppressed and injured them, but would have fought only against the British Government.

After the breaking out of the mutiny, the rebellious troops used to say they were masters of the country, and that they would take different princes to different provinces of the country.

The Volunteer* Regiment of Delhi said, that before the breaking out of the mutiny, they had leagued with the troops at Meerut, and that the latter had corresponded with the troops in all other places, so that from every cantonment, troops would arrive at Delhi.

After the defection of the native army, I understood that letters were received at Delhi, from which it was evident that they had beforehand made common cause among themselves. The mutineers at Delhi also wrote to other regiments, requesting them to come over. Indeed, at the request of some of the mutinous officers, the King addressed orders to the troops at Neemuch and Firozpur and other places, inviting them to proceed to join him. The usual drift of letters addressed by the Delhi mutineers was this, "So many of us have come in here, do you also, according to your promise, come "over here quickly."

At the request of the mutinous officers, the King used to give orders to the munshis to write as they (the officers) desired.

I cannot give any further information in regard to the preconcerted conspiracy of the native troops; I have said all I know.

Before their defection the native troops had settled it among them to kill all Europeans including women and children in every cantonment.

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* The 38th Native Infantry.

I cannot explain, in detail, the arrangements which were made by the mutineers before their defection. I consider, however, that all their plans had not been yet matured when the event took place.

I did not hear that any particular date had been fixed for the execution of the plans of the mutineers; but I am inclined to think that none was fixed, because if there had been, allusion would have been made to the fixed time, in the letters which were addressed by the Delhi mutineers to the other troops, which was not the case. I mean some such language as the following would have been used in those letters—*viz.*, "You pro-"mised to rise up on such a date, but you have not arrived yet, so that you have not "kept your promise."

When I stated above, that the "*event*" took place before the plans of the mutineers had been matured, I referred to the "event" which occurred at Meerut.

Indeed, I consider that had the event at Meerut not taken place so soon, the plans of the mutineers and their union would have become more perfect with greater length of time.

The breaking out of the mutiny at Meerut somewhat before the proper time, may be ascribed to one of the two following causes, *viz.*, either the Meerut troops were too precipitate, or the Government behaved severely towards them.

Gulab Shah, the officer of the 3rd Cavalry, who came in from Meerut, in alluding to the severity of the Government, stated that they (Government) disarmed the troops and imprisoned the troopers in irons.

In addition to the issue of the new cartridges, the sepoys numbered among their grievances and causes of their dissatisfaction with Government, the short leaves allowed to the troops,—the discontinuance of batta,—the sending out of troops to sea on shipboard,—and, lastly, the little consideration (compared to previous times) shown, of late, to the sepoy army.

But they brought forward, most conspicuously, the issue of cartridges as the strongest cause of their mutiny. Their other grievances, as above mentioned, were not adduced so prominently. The reason of this is obvious. In the cartridge dispute a religious element was involved, which served their purpose; inasmuch as the mass of the people (who are necessarily ignorant), were deceived and really believed that they were fighting for religion. The wicked were guided by motives of gain.

The mutineers spoke of the British with contempt; they called them "Nasara*" and *Infidels*, but they did not use foul language against them.

They used to say that the Government would not allow any Chief to hold territorial possessions, and would not treat the natives of India with any consideration.

In the native army both Hindus and Mahommedans were dissatisfied with Government, and the Hindus predominated in number, but, of the inhabitants of Delhi, the Hindus were dissatisfied in a less degree than the Mahommedans.

The reason of the greater dissatisfaction of the Mahommedans was that on the occasion of the "*Bakr Eed*," when there was a quarrel in regard to the slaughter of kine, the decision of the authorities was not agreeable to the Mahommedan population. In addition to this, it was reported that the Government desired to make Christians of the natives of India by causing them to eat pork.

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* Nasara literally means a Nazarene (from Nazareth the City) and a Christian, but in use is applied contemptuously to Christians.

Latterly, it was believed that the sepoys repented of their* misconduct, and a proof of their repentance might be found in the fact that many secretly left their regiments; some applied to their officers for promotion of rank and increase of pay, and when their request was not granted, they left openly.

The people in the palace or the princes did not know previously that the sepoys of the Volunteer Regiment at Delhi had leagued with the Meerut troops against the Government. This was only known afterwards when the officers of the mutinous troops said so at Delhi.

I consider that no correspondence passed between the sepoys and the native Chiefs before the open mutiny of the former; for if any had passed, allusion would have been made in the subsequent letters addressed to the Chiefs, to the circumstance, which was not the case Moreover, if any such communication*had been made, some portion of the mutinous troops would have proceeded to some of the Chiefs with whom they had leagued. This also was not the case.

I consider that the native army mutinied of their own accord, and not at the instigation of any Chiefs, because in the latter case, the mutineers would have either themselves proceeded to join their instigator, or caused him to join them.

The mutinous troops would not appear to have won over the people of the country, because if they had, they would have treated them with consideration, and would not have oppressed and plundered them as they did.

The sepoys had not before their breaking out into mutiny united to themselves the Mussalman population of Delhi. If they had, they would not have oppressed and plundered the Mahommedans of Delhi in the manner they did.

The abandoned classes of the city required no instigation to rise up. The confusion and disorder of the time in itself encouraged them to unite with the sepoys.

I am of opinion that no agreement was made between the Goojurs and the mutinous troops beforehand. But, afterwards, certain mutinous officers caused the King to grant a drum and standard to two Goojurs of the neighbourhood of Delhi, who were enjoined to plunder the provisions of the British Camp. In like manner a Rao, who resided in the vicinity of Sikandrah, in the Bulandshahr District, received a drum and standard from the King for similar service.

During the period of disturbances, no complaint was made against the defects of the civil administration under the British rule. The *sepoys* did not complain, because they were themselves tyrannical; and the *people* had seen too much of the oppressive administration of the sepoys to complain against that of the British.

Among the cavalry officers, Gulab Shah; among those of the infantry regiments, the officers of the "*Runseet*"* and "*Alexander*"† regiments; and among the King's servants, Sidis Nasir Khan and Basant, eunuchs, were the principals who instigated the murder of the fifty Christians and Europeans. The reason is, that Gulab Shah and his party was encamped in the Hayat Bakhsh garden, and used to be seated at the entrance of the royal apartments in the company of the eunuchs.

Among the princes, Prince Abulbakr and Mirza Khair Sultan were the principals who caused the Europeans to be murdered. The others were only their accomplices.

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* The 11th N. I.

† The 74th N. I.

I spoke to the King on the subject in the presence of the eunuchs. When the latter, at the request of Gulab Shah, solicited the King's orders for killing the Europeans, I explained to the King that it was forbidden in our own religion to kill women and children. I suggested to him that it was also prudent in a worldly point of view to preserve them. I advised him to obtain a "*Fatwa*" (verdict) from the doctors of the Mahomedan religion, prohibiting the slaughter of the women and children, and to show the verdict to the officers of the army, and then to keep them in custody in a safe place, and to preserve them as he would his own family and children. I explained to him the immediate and also remote advantages of such conduct. I explained to him that such was the line of conduct adopted by Sirdar Muhammad Akbar Khan of Cabul, towards the Europeans who became his prisoners during the Afghan war. I pointed out to the King how, in consequence of such conduct, Akbar Khan succeeded in procuring the liberation of his father, the Amir Dost Muhammad Khan, from confinement in the hands of the British, and how the Amir was ultimately restored to his country and kingdom.

The effect of my suggestions was, that the King at that time withheld his sanction to the murder of the Christians, and for two days their lives were preserved. But afterwards, the applicants prevailed upon the King to give his assent, and the eunuchs Basant and Sidi Nasir delivered up the Christians to Gulab Shah, who put them to death by the side of a reservoir in the palace.

If the King had kept the women and children in his own female apartments, and on their being demanded by the sepoys had explained to the latter that he would only agree to their (the Christians) being murdered, after his (the King's) own women and children had been first put to death, it was very probable that the sepoys would not have dared to enter the royal seraglio to forcibly seize and kill the Christians.

The King could have safely said and done so. He frequently spoke to the sepoys as resolutely.

Had the King's consent not been given, it was not possible that a false entry would have been made in the official documents to the effect that his sanction *had* been given.

The officers of the Runseet and Alexander regiments were extremely hostile to Europeans and Christians, and even if Gulab Shah, and the two eunuchs Basant and Nasir, had not existed, the former would have demanded the murder of the Christians. But I do not consider that except them there were any others so extremely hostile to the Christians.

These Christians were put to death by Sidi Nasir, Allah Dad Wilayati, and the sowars of Gulab Shah, and certain Khas-bardars of the King. They were killed with swords. Allah Dad Wilayati was in the service of the King.

First of all the regular troopers came, then followed the Volunteer Regiment of Delhi and entered the palace. The troopers were accompanied by two companies of the Volunteers who were posted at the gates of the palace. The officers of the Volunteer Regiment said in a loud voice, "Here are the sowars from Meerut, "the infantry regiments will follow shortly." I gathered from the talk of the officers of the Delhi regiments that there was perfect union of mind between the Delhi and Meerut troops. Moreover, in the letters and orders which were addressed to the native regiments in other cantonments, the sepoys never alluded to any promise of the addressees' to proceed to Delhi. It was merely stated in those letters that such and such regiments had come in, "Do you come over also."

In my opinion the mutineers had several inducements for throwing themselves into the city of Delhi :—

First.—Delhi was close to Meerut, where the mutiny commenced, and the Meerut troops were of one mind with those of Delhi.

Secondly.—There was considerable treasure and abundance of magazine stores at Delhi.

Thirdly.—There was a wall round Delhi, and the city could be well defended.

Fourthly.—The King of Delhi had no army, and was defenceless, and—

Fifthly.—The King was a personage to wait upon whom all Chiefs, Hindu or Mahommedan, would have considered an honor to themselves.

The troops did not inform the King previously of their intention to go over to him, nor had the King any knowledge of the Volunteer Regiment having made common cause with the Meerut troops.

I never heard any complaints from the people of Delhi regarding the resumption of inams or rent-free grants, because I am not aware that any such grants had been resumed. But the sepoys used to say that the Government would gradually resume all inams and pensions, and leave none in the enjoyment thereof.

The annexation of Oudh was much talked of at Delhi. But as the majority of the Mahmomedan population of Delhi are Sunnis, and a Moulavy of their sect, named Amir Ali, had been blown, together with about four or five hundred Sunnis, from the mouth of cannon, on the occasion of the *emeute* at Hanuman Garhi, by order of the King of Oudh, the Mahommedans of Delhi did not regard the annexation of Oudh with dissatisfaction. But, on the contrary, they believed that the King of Oudh had been punished, for having shed the blood of innocent Sunnis, in the loss of his kingdom. As regards the Hindus of Delhi, I never heard that they were in any manner dissatisfied at the annexation of Oudh.

The sepoys used to remark that the English would take possession of every country in the same manner as they had occupied Oudh; but I did not perceive that they were particularly grieved at the annexation of Oudh.

I heard no complaints from the sepoys regarding the revenue administration under the British rule in Oudh.

I do not consider that the annexation of Oudh was one among other causes of the revolt of the sepoys. My impression is that they had no cause to be grieved on that account. They lost nothing by it, but on the contrary, were liberated from the oppression of the Oudh Government. The sepoys who were at Delhi never complained particularly against the annexation of Oudh. But they certainly used to say, that the British would take possession of every province as they had occupied Oudh; and that they took possession of that country even though the King did not fight against them.

I consider that the sepoys would have mutinied, even though Oudh had not been annexed, because they were ripe for revolt.

Three or four of the Lukhnow mutinous regiments addressed petitions to the King, in which they stated that they would proceed to Delhi after they had made themselves masters of Oudh, and added that they had besieged the British in Baillee Guard. Kudrat-ulla Khan Risaldar, accompanied by a hundred sowars, also brought a petition from all the Oudh troops, and was introduced into the King's presence by Bakht Khan. He presented the coin recently struck in the name of Bahadur Shah. The impression on the coin was as follows:—

"*Siraj-ud-din Bahadur Shah Ghazi has struck upon gold the coin of victory.*"

The petitioners stated that they had elevated a son of Wajid Ali Shah on the Gaddi, on the condition that he should be the Wazir of Bahadur Shah, and acknowledge allegiance to that King. They added that they had caused the prince to write down an agreement to that effect, and had further explained to him that he had been raised to the throne subject to the sanction of the King.

The King ordered Bakht Khan to reply to the petition conveying his sanction to the arrangement.

The gold mohurs which were presented by Kudrat-ulla Khan Risaldar, to the King, are now in the possession of the Commissioner of Delhi.

I do not consider that Wajid Ali Shah, the King of Oudh, had any share in these proceedings.

If Wajid Ali Shah or Ali Naki Khan had been in league with the sepoys, the circumstance could not have remained a secret, and moreover, the latter would have proceeded to Lukhnow. Furthermore, in that case, the sepoys would not have raised to the throne the younger son of Wajid Ali Shah, to the exclusion of Wajid Ali Shah himself and his eldest son.

I am of opinion the Oudh troops would not have proceeded to Delhi after they had succeeded in taking possession of Baillee Guard, because they would have betaken themselves to the management of the extensive territory of Oudh. I consider that the authority of the son of Wajid Ali Shah, whom they had raised to the throne, would have been only nominal.

I never heard that any correspondence was carried on with Wajid Ali Shah during his residence in Calcutta, and I believe that none took place. Neither was any correspondence carried on with Ali Naki Khan. Formerly some correspondence took place through the medium of Mirza Haidar; but when that individual gave out, at Lukhnow, that the King of Delhi had become a convert to the Shia religion. and the King denied at Delhi that he had, Mirza Haidar discontinued writing to the King, nor did he come to Delhi afterwards, and as Mirza Haidar was the medium of communication between the King of Oudh and Delhi, and that man had not accompanied the King of Oudh to Calcutta, no correspondence took place between the two kings.

I did not hear from any of the sepoys that either the King of Oudh or any of his relatives or dependants instigated the sepoys to revolt. I cannot speak of the Oudh troops, because none came from thence to Delhi.

During the disturbances I heard that Mirza Haidar was at Lukhnow, but that he was detained along with other native Chiefs of influence at Baillee Guard by the British officers.

No correspondence took place between Mirza Haidar and the King of Delhi during the disturbances. Indeed, all correspondence between them had ceased, since Mirza Haidar had reported at Lukhnow the conversion of the King to the Shia religion.

I shall now describe from what regiments and places petitions were received by the King.

NEEMUCH.

The Neemuch troops addressed a petition to the King, in which they stated that they had arrived at Agra, where they had gained a victory and driven the British into the fort which they had laid siege to. But they added that they had no heavy guns, so that they intended to proceed to Delhi, and return from thence to Agra, carrying along with them heavy guns from Delhi, and they would then take the Agra Fort. They mentioned in their petition that they had killed their European officers. This petition was written from Muthra, and in the names of Ghous Khan and Hira Singh, Subadars. It was brought by a shutar-sowar, and was presented to the King by Bakht Khan, who spoke in very high terms of the Neemuch troops. The King directed that a reply be addressed calling them over to Delhi. A reply was sent accordingly.

JHANSI.

A messenger brought a petition from the Jhansi troops, and delivered it to the eunuchs, who presented it to the King. In this petition, the writers stated that they had killed their European officers, and were desirous of proceeding to Delhi. The King directed a reply to be sent telling them to come over.

DANAPUR. (DINAPORE.)

A Petition was brought from Dinapore by an officer of the Delhi troops, about two and half months after the breaking out of the mutiny, in which the writers stated either that they had started for Delhi or intended to do so. The King ordered a reply to be sent telling them to come over. I cannot say positively whether any troops came from Dinapore or not.

ALLAHABAD.

Two sepoys in the disguise of travellers brought a petition from the Allahabad troops. It was presented to the King through the officers of the Volunteer Regiment about a month and half after the mutiny. They signified their devotion to the King, and expressed their intention to proceed to Delhi. A reply was sent telling them to come over.

ALIGARH.

A petition was presented on the part of the Aligarh troops to the King by an officer of the Delhi mutineers about two and half months after the rebellion. I do not know whether the petition was brought by a messenger, or whether it arrived by dâk. The contents were, either that the petitioners had started for Delhi or intended to do so. They were told in reply, that they might come over.

MUTHRA.

Two messengers brought a petition from the Muthra troops about twenty days after the mutiny, which was presented by the officers of the Volunteer Regiment. The writers stated that they were proceeding to Delhi bringing treasure along with them. A reply was sent as usual. Shortly afterwards, these troops arrived, bringing one lakh of rupees of treasure.

BULANDSHAHR.

Mirza Moghal produced before the King a sepoy belonging to the Bulandshahr troops who had brought a petition, in which it was said they were marching to Delhi with all the treasure they had in their possession. Accordingly, they brought thirty thousand rupees with them. But I heard that the sepoys had appropriated a portion of the treasure to themselves, as they were marching to Delhi.

ROORKI.

I believe that a sepoy, in the disguise of a traveller, brought a petition from the Roorki troops, which was presented to the King about a month and half after the rebellion, by the officers of the " Mapert"* regiment. The contents were that the writers were desirous of proceeding to Delhi, and would serve the King truly. A reply was sent as usual, and about 300 men of the Sappers and Miners arrived under the command of Kadar Bakhsh. This officer became very intimate with Mirza Khair Sultan, and acquired some influence over the King. He frequently had a voice in the proceedings of the army, and, in conjunction with Bakht Khan, obtained the permission of the King to exact money from the bankers and wealthy Mahommedans of the city.

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* 54th N. I.

FARRUKHABAD.

Bakht Khan had left some troops at Farrukhabad before he came to Delhi. He intimated the fact to the King a little before two months after the breaking out of the mutiny.

HANSI.

Two sowars brought a petition from Hansi, in which the writers stated that they were fighting for the King and were proceeding to Delhi to fight for religion. This petition was presented to the King, I believe by Gulab Shah, the Commander of the Meerut troops, about six weeks after disturbances. Three sowars came from Hansi.

SIRSA.

Three petitions were received from Sirsa. One from Gouri Shankar, officer of the "Tukyur" Regiment, the second from a cavalry risaldar whose name I forget, and the third from Shahzadah Muhammad Azim, of the Commissariat Department. The petitioners stated that they had already performed good service to the King, and added that they were proceeding to Delhi with all the money of the Customs Department. These petitions were brought by two messengers, about six weeks after the mutiny. A reply was sent as usual. Shortly afterwards, the troops arrived bringing with them 30,000 rupees treasure, about 200 bullocks, and 50 or 60 sheep.

KARNAL.

No petition was received from the troops at Karnal.

NASIRABAD.

Two sepoys brought a petition in which, as usual, the troops signified their readiness to march to Delhi. Mirza Moghal presented the petition to the King, and the usual reply was sent. Between two to two thousand five hundred men (cavalry and infantry) arrived with a number of guns.

SAUGOR AND JUBBULPUR.

I believe petitions came from these places, and that replies were also sent.

THE PANJAB.—(FIROZPUR.)

A sepoy, disguised as a fakir, brought a petition from the Firozpur troops. Mirza Moghal presented the petition to the King. The messenger was told that a reply would be given next day. The man told me he had come from Firozpur, and that the troops at that place were all ready to march to Delhi, and had mutinied against the British Government. I did not see the petition, nor did Mirza Moghal mention to me that any petition had been received from Firozpur. This petition was received about six weeks after the commencement of disturbances, before Bakht Khan had joined. Only Neemuch and Jhansi troops arrived after Bakht Khan; the greater part of other troops had already joined before him.

AMBALA.

A sepoy, in the disguise of a fakir, brought a petition from the Ambala troops, but I cannot speak positively in this matter, nor am I sure that any reply was sent.

PHILLOUR.

If I recollect right I believe that an officer of the Baillie Regiment (the 20th N. I.) brought a petition from the Phillour troops, but none of the latter accompanied him.

This was two months after the commencement of disturbances. The contents were that petitioners would march to Delhi after serving the King's cause at Phillour. The usual reply was sent. Long afterwards, about 200 men came to Delhi.

JALLANDHAR.

I believe that some sepoy, disguised as a traveller, brought a petition from the Jallandhar troops, and some officer of the "Runsit" Regiment (the 11th N. I.) presented the petition to the King. The contents were as usual, as was also the reply.

SEALKOTE.

No sepoy came from Sealkote with any petition ; but a petition was received from that place and presented to the King by an officer of one of the Delhi mutinous regiments about two months and upwards after the mutiny. The writers expressed their desire to march to Delhi. A reply was ordered to be sent. I do not recollect whether any troops came from Sealkote or not.

JHELUM.

The petition from Jhelum came very late, about three months after the commencement of the mutiny. It was received, I believe, through Kadir Bakhsh, of the Roorki Sappers and Miners. The subject was as usual, as was also the reply.

RAWUL PINDEE.

Two sepoys, disguised as Brahman travellers, brought a petition from the Rawul Pindee troops, in which the writers stated that they were prepared to march to Delhi and serve the King. This petition was presented to the King by the officers of the "Mapert" Regiment. A reply was ordered to be written as usual. This petition was received about two months after the breaking out of the mutiny.

LOODHIANA.

I heard that a petition had been received from Loodhiana, and I believe that one was received. But I do not know through whom it came. I believe a reply was also sent. I do not remember its contents, but I heard that the troops were expected at Delhi. If any petition came it must have arrived about two months after breaking out of disturbances.

No petition came from the troops at *Benares, Azimgarh, Gorukhpur, Cawnpur, Meerut, Saharunpur, Bijnour, Mooradabad, Futtehgurh, Futtehpur, Bareilly, Budaon, Agra, Shahjanpur, Ghazeepur.*

None also came from the troops at *Amritsar, Hooshiarpur, Kangra, Lahore, Attock, Peshawur, Mooltan, Googaira, Goojrat, Dehra. Ishmail Khan, Dehra Ghazi Khan, Shahpur, Khangarh or Leiah.*

Likewise no petition was received from the troops at Calcutta or Barrackpore or other cantonments in the Eastern Provinces.

No petition was received from the Bombay or Sindh troops; but the mutineers represented to the King that the Bombay Army had written to them to the effect that they were ready to proceed to Delhi. I heard this once or twice. I cannot speak positively whether any petition came or not.

A petition was received from the Gwalior troops from a place beyond the Chambul (of which I forget the name), in which they said that they had fifty guns and magazine stores in such abundance that five thousand carts would be required to carry them. But they were unable to cross the Chambul which was at its height. This petition was received two months after the breaking out of disturbances. They were told in reply they could come when the river had subsided.

No communication was addressed by the Delhi mutineers to the troops of *Bikanir, Jasalmair, Jodhpur, Jaipur, Jhajjar, Alwar, Kotah, or Boondy.* Nor was any received from them at Delhi.

Petitions were received by the King from the Chiefs of *Jhajjar, Ballabhgarh, Farrukhnagar* and from Walidad Khan of *Malagarh* in the Bulandshahr district. In these petitions, they professed allegiance to the King, and excused their personal attendance on the ground that their absence would unsettle their countries. The Jhajjar Nawab sent three hundred sowars under the command of his father-in-law, Abdul Samad Khan. The Ballabhgarh chief sent 15 sowars. No troops came from Farrukhnagar; and Walidad Khan asked for troops and guns, but none were sent until long afterwards, when two hundred sowars were sent. Walidad Khan was himself present at Delhi at the time of the breaking out of the mutiny. He obtained a patent conferring upon him the government of the Doab, and left Delhi.

Khan Bahadur Khan sent a petition and Wakil through the medium of Bakht Khan. He also sent an elephant, a horse with silver ornaments, and one hundred and one gold mohurs as present. Several petitions were received from Rao Tula Ram, asking for troops. He sent forty thousand rupees treasure, which was paid into the King's treasury through the medium of Bakht Khan. "Shukkas" were addressed to the following chiefs at the request of the mutinous troops, calling upon them (the chiefs) to come over with their troops and munitions of war.

Jhajjar, Ballabhgurh, Farrukhnagar, Khan Bahadur Khan of Bareilly, Jaipur, Alwar, Jodhpur, Bikanir, Gwalior, and *Baija Bai,* and *Jaisulmair.* Two shukkas were addressed to Baija Bai; but she replied to neither of them.

A shukka was addressed to the Patiala Rajah through Bakht Khan. It conveyed the pardon of the King for the Maharajah's faults, at the instance of Abul Islam, and called upon the Maharajah to supply cash, and to fight against the English.

A shukka was also addressed to the Jummoo Chief and made over for transmission to Bakht Khan. This person had previously presented to the King a petition (which was believed to have been forged,) purporting to have been written by Rajah Gulâb Singh, in which the Rajah was represented to say that he would soon march to Delhi with his troops, punishing on his way the Maharaja of Patiala; also that the Amir Dost Muhammad Khan was an ally of Jummoo, and would not fail to render service to the King. The shukka to the address of the Jummoo Chief called upon him to proceed with munitions of war to Delhi.

Replies were received to the effect mentioned above from the Chiefs of *Jhajjar, Ballabhgarh, Farrukhnagar* and *Khan Bahadur Khan* of Bareilly, but none were received from *Jaipur, Alwar, Jodhpur, Bikanir, Gwalior, Jysulmair, Patiala* or *Jummoo.*

These latter chiefs sent no reply, because they had no inclination to side with the King.

The Jodhpur and Gwalior chiefs would appear to be determined to remain staunch in their alliance to the British Government. The mutiny of their troops did not alienate those chiefs personally from the British.

No shukka was sent to Bhartpur, because the troops at Delhi said that the Rajah was a child, and the administration was carried on there by British officers.

No communication was addressed to Indore and none was received from there.

Kunwar Singh, the rebel of Shahabad, was not addressed, and no communication was received from him.

No communication was addressed to the Rajah of Benares, or the Rajah of Rewah, nor to the Nawab of Banda, and none was received from any of those chiefs.

No correspondence took place between the King and the Chiefs in Nagpur.

Neither the Bhawalpur, nor the Kaparthulla, nor the Hill Chiefs under the Simla Agency were addressed, and no communication was received from any of those chiefs.

The Nepal Chief was not addressed and no communication was received from him.

After the accumulation of the mutinous army at Delhi, shukkas were addressed to those chiefs who were pointed out by the troops. And as the troops signified no desire for the Nepal Chief being written to, he was not addressed.

No correspondence passed between the King and the Chief of Gujrat in the Deccan, or the Chiefs of Biluchistan, Afghanistan or the Khybur Pass.

At first, the troops said that the King's servants had not written to the chiefs from whom no replies had been received. But when they themselves wrote and no reply was still received, they said the chiefs were all of them disloyal, and would be punished after the British had been vanquished.

The intelligent among the troops said that the chiefs were watching the turn of events, and were afraid, under the existing circumstances, to act decisively. Gouri Shankar, who is a most intelligent officer, used to observe that the presence of the Government troops on the hill before Delhi was a painful thorn in their (the mutineer's) side, and that as soon as this was removed, all would be right.

The sepoys used to say that there were in the first instance only two regiments of European soldiers on the ridge, but these had diminished to two or three hundred only. And that when these shall have been killed the British would leave the ridge.

None of the officers of the troops expressed a wish for the Bhawalpur Nawab being addressed, and I consider that the Nawab did not address the King, because the former had an old pique against the latter, inasmuch as when Nawab Bhawal Khan, the late Chief of Bhawalpur, passed through Delhi, the King forbade his son to enter the Dewan-i-Khas, unless he agreed to lay down his arms and take off his ornaments.

No petition was received from any of the Chukladars or Governors of Oudh.

A petition was received from Moulavy Liakat Ali, the leader of the religious warriors of Allahabad, in which he intimated that he was about to proceed to Delhi, and asked for military aid in order to reduce his part of the country. No reply was sent at the time, because he was himself expected; but when he came he was introduced to the King by Bakht Khan, and returned after obtaining a patent, appointing him Governor of Lukhnow. This took place three months after the commencement of disturbances.

No petition was received from the Nana; but, about two months after the breaking out of the mutiny, a confidential agent (a Maratha) of the Nana's arrived at Delhi, and was introduced to the King by Mirza Moghal. At the request of the Mirza, a shukka was addressed to the Nana, inviting him over to Delhi. The agent then returned.

No petition was received from any bankers; but an order was addressed to Seth Lakshmi Chand, at the instance of the army, directing him to give a loan to the amount of a million sterling, and to send an agent of his own to be placed in charge of the treasury. The Seth was told that the revenue collections would be made over to him, and that he would be allowed interest on his loan; but no reply was received from the Seth.

So far as I am aware, no petition was received from any of the servants of Government; but I heard that a Hindustani, a Mahommedan of Bulandshahr, who held a high office under Government, had joined Walidad Khan. I do not know his name. Shukkas were addressed to Mufti Sadr-ud-din, the Principal Sudder Ameen, Karam Ali Khan Munsiff, Moulavy Abbas Ali, Sudder Ameen of Delhi, and to Mirza Muhammad Ali Beg, Tahsildar of Mahroli, inviting them to enter the service of the King in the situations held by them under the British Government. But they all declined the offer. But when Bakht Khan assembled the Moulavies and Ulamas of Delhi in the Jama Masjid, and compelled them to declare that it was incumbent to wage a religious war against the British, I am told he (Bakht Khan) compelled Mufti Sadr-ud-din to put his seal upon the verdict. Moulavy Abbas Ali left Delhi and proceeded to his home across the Jumna before the arrival of Bakht Khan.

No petition was received from Agra from any party: but Moulavy Faiz Ahmad, who was employed in the Sudder Board's office, came in person to Delhi and adopted the King's service. He was placed in charge of the Adalat.

A shukka was addressed to the Nawab of Rampur, but no reply was received from him. Bakht Khan insisted upon the Nawab of Rampur being addressed, and said that when he (Bakht Khan) went to Rampur the Nawab promised to him to remain neutral.

Shukkas were also addressed to Nawabs Amin-ud-din Khan and Zia-ud-din Khan, Jagirdars of Luharu, to Hasan Ali Khan, brother of the Nawab of Jhajjar, to Nawab Hamid Ali Khan, all of whom were residing at Delhi, and to Ajit Singh, uncle of the Maharajah of Patiala, directing them to wait upon the King. All these chiefs accordingly waited upon the King, but wrote no petition in reply to the shukkas addressed to them, and when, at the instance of the army, these chiefs were called upon to pay certain sums of money according to the circumstances of each, each and all made some excuse, and paid nothing. For this reason the troops were intent upon plundering them, and in one instance carried out their intention. Mirza Abulbakr, grandson of the King, who commanded the regular cavalry, entered and plundered the house of Hamid Ali Khan, and carried the Nawab prisoner to the palace. But Zia-ud-din Khan and Amin-ud-din Khan were prepared to resist the troops, and therefore escaped being plundered.

A shukka was addressed to the Chief of Patondi; but he sent no reply. I do not remember whether any shukka was addressed to the Chief of Dojana; but no petition was received from him.

I will now proceed to describe from what districts petitions were received from among the general population of the country.

DISTRICT GURGAON.

The Zamindars of Gurgaon proper, addressed a petition, bringing to the notice of the King the disordered state of the district, and begging that an officer might be deputed to assume the administration. Thereupon Moulavy Faiz-ul-hak, who had come in from Alwar, proposed that his sister's son (whose name I forget), who was formerly employed in that district under the British Government, should be appointed. This man was accordingly appointed "Ziladar," *i. e.*, in charge of the district. But I am not aware whether he went to Gurgaon or not. This appointment was made only about fifteen or twenty days before the fall of Delhi. Faiz-ul-hak also appointed several tahsildars under the Ziladar.

REWARI.

Rao Tula Ram, the perpetual settlement holder of Rewari, sent an agent of his own through Bakht Khan, with a petition, in which he stated that he had been managing the territory, but that the collections of the current harvest had been expended among the army. He offered to pay a "nazarana" to the amount of forty-five thousand rupees in consideration of the territory being granted to him in jagir in perpetuity. Bakht Khan accordingly obtained a patent conferring Rewari in perpetual jagir on Tula Ram. This was done three months after the breaking out of the rebellion. Ten days before the fall of Delhi the sum of rupees forty thousand was paid into the King's treasury by Tula Ram.

BADSHAHPUR.

The Zamindars of Badshahpur applied for a tahsildar. The Ziladar was ordered to arrange for the appointment of a tahsildar.

DISTRICT OF DELHI.

No communication was received from any party of any note out of the walls of the city.

DISTRICT OF ROHTAK.

The Rohtak people sent no petition to the King, but they arranged for supplying provisions to the troops.

HISSAR.

The guards attached to the Hissar jail, as well as the officials of the Customs Department, sent petitions to the King. I do not remember the names of the writers: they stated that they were anxious to proceed to Delhi. This communication was received two months after the breaking out of disturbances.

KARNAL.

No petition was received from this district.

SIRSA.

I have already described the conduct of Shahzadah Muhammad Azim. No communication was received from any of the Zamindars of this district.

MEERUT.

No communication was received from this district.

BULANDSHAHR.

The conduct of Walidad Khan has been already described. No communication was received from or addressed to any other party.

SAHARANPUR AND MUZAFFARNAGAR.

No communication was either addressed to or received from any party in these districts.

BIJNUR.

A petition was received from the Zamindars of this district; they begged that the administration might be assumed by the King. They were informed, in reply, that the management would be assumed as soon as the troops should march to that district. This petition was received three months after the breaking out of the mutiny.

MURADABAD.

No petition was received from any rebel in that district, nor was any party addressed from Delhi.

BAREILLY.

A petition was received from Khan Bahadur Khan, who had been elevated to the governorship by Bakht Khan. He also sent an agent with an elephant, a horse and one hundred gold mohurs as a present for the King. I forget the name of the agent: he was introduced to the King by Bakht Khan. A shukka was addressed in reply, conveying the satisfaction of the King, and directing Khan Bahadur Khan to remit to Delhi the surplus balance of his collections after defraying the expenses.

BUDAON.

No communication was received from any party in this district.

PILIBHIT.

None from here.

MATHURA DISTRICT.

The brother of Dundi Khan, the Jagirdar of Garhi near Mathura, sent a petition by his nephew, in which he applied for the release of his jagirs which had been resumed by the British Government. Bakht Khan supported the application. This took place about three months after the commencement of the disturbances. Bakht Khan insisted upon the bearer of the petition accompanying the troops in one of their attacks upon the Government troops. The man (Umrao Bahadur) was wounded on the occasion, and died within a week. Bakht Khan had obtained a patent granting the Istimrardari rights to the applicant. But Umrao Bahadur having died at Delhi, the patent never reached the intended grantee.

DISTRICT OF AGRA.

No communication was received from this district; but I have already mentioned that Moulavy Faiz Ahmad came from that city in person; Wazir Khan Doctor (Sub-Assistant Surgeon) also came: he knew English well. Bakht Khan was his supporter, and caused a patent to be granted him, appointing him Governor of Agra. Wazir Khan accompanied Bakht Khan when the latter fled from Delhi.

DISTRICTS OF ALIGARH, CAWNPUR AND FATEHGARH.

No correspondence passed between Delhi and these districts.

MAINPURI.

A petition was received from the Rajah of Mainpuri, asking for troops. Mirza Moghal was ordered to arrange, after consulting the officers of the army, for despatching troops to Mainpuri. But next day, the officers represented that the troops were not willing to march until they had driven off the British troops before Delhi. A reply was sent to this effect accordingly.

No communication was received from any other party in this district.

DISTRICTS OF GORAKHPUR AND FATEHPUR HASWA.

I have no remembrance that any communication was received from this district or from the district of Kumaon.

DISTRICT OF ALLAHABAD.

I have already mentioned that Moulavi Liakat Ali came from this district and obtained a patent appointing him Governor. No communication was received from any other party.

RAJAH OF BANDA NEAR REWAH.

No shukka was addressed to this chief, nor was any communication received from him.

DISTRICTS OF AZIMGARH, SHAHJAHANPUR, ETAWAH, GHAZIPUR, BENARES AND GYA.

No communication passed between the King and these Districts.

BUNDELKHAND, JUBBULPUR, SAUGOR, MALWA AND THE DECCAN TERRITORIES.

I have no remembrance of any correspondence having passed between Delhi and these districts.

THE NIZAM OF HYDERABAD (DECCAN), CUTCH AND GUJRAT. THE EASTERN PROVINCES; CALCUTTA, BARRACKPORE, MONGHYR, DINAPORE, &c.

No correspondence passed between the King and the Nizam, or any of the latter's subjects, nor between the King and any parties in Cutch or Gujrat. I have no remembrance of any communication having been received from the Eastern Districts.

PATNA.

Neither the Nawab of Patna, nor any other party, addressed the King, nor were they addressed from Delhi.

THE PANJAB.

No communication was received from any party in the Panjab.

No communication was received from any of the Zamindars of the Bari Doab District in the Punjab, nor were any addressed from Delhi.

I did not hear the troops making mention of any hackery men from the Panjab.

No communication was received from any of the Bundelah tribes, nor were they addressed from Delhi, and no person of that tribe came to Delhi.

No correspondence passed between the King and the Akhund of Swat; but two men were introduced by Bakht Khan to the King as having been sent by the Akhund. Hasan Askari took them before the King. These men were both "Wilayatis" (people of Afghanistan). One, who looked rather a respectable man, presented a sword on the part of the Akhund to the King. He also produced a writing bearing the seal of the Akhund, the purport of which was that the bearer was the Akhund's "Khalifa," (Vicegerent.) He requested that it might be proclaimed in the city that the followers of the Akhund of Swat were on their way to Delhi for the purpose of joining in the religious war.* But next day a Syad (I do not know his name) told the King that the man had not been really sent by the Akhund of Swat, nor was he a follower of the Akhund, and that the man had forged the writing which he had represented as being that of the Akhund. The King gave orders to Bakht Khan to make enquiries; but I do not know what Bakht Khan did in the matter. I know, however, that the man left Delhi three days afterwards.

THE KING'S ADMINISTRATIVE POLICY.

An order was issued at one time, prohibiting the army and princes from interfering in the general administration of the state. It was proposed that justice should be administered by Muftis and Sadr-ul-Sudrs, and that neither the army nor revenue officers were to interfere. This order was, however, never acted upon. The princes, supported by the troops, always interfered. The King himself appointed no tahsildars for the collection of revenue; but Bakht Khan did appoint tahsildars at Palwal, Hodal and Shahdarah, and a Ziladar at Gurgaon; but no revenue was collected. The princes, also, resolved to send their troops to collect revenue; but the measure was not carried out. The "Adalat" was presided over by Moulavy Faiz Ahmad, who had arrived from Agra, and the princes Mirza Khair Sultan and Mirza Moghal. A kotwal,† and thanadars‡ were appointed in the city; but I do not remember the names of the thanadars. First of all Muin-ud-din Hasan Khan, son of Nawab Kudrat-ullah Khan, inhabitant of Delhi, was appointed kotwal: but he was dismissed after a short time, in consequence of his oppressing the people. After him the post of kotwal was given, at the recommendation of Khwaja Wajib-ud-din Khan, to Kazi Faizullah of Delhi, and next to Mir Mubarak Shah, a Syad of Ilaka Rampur. Thanadars were also appointed at Najaf Garh, Mahroli, Shahdarah, Paharganj, and Bhadrapur; but I do not remember their names. Besides the princes, Bakht Khan also interfered in these matters. Indeed he had caused an order to be issued to the thanadars and kotwal enjoining them to act up to Bakht Khan's orders.

The sepoys used to say that after they had made themselves masters of the whole country, they would allot different provinces to the several princes.

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* The King gave orders for proclaiming this accordingly.

† Superintendent of city police.

‡ Police officers in charge of stations.

I believe many men were not appointed for the purpose of conducting the administration, and those that were, were nominated either by Bakht Khan or the princes.

No governor was appointed for Meerut. The governorship of Bulandshahr was conferred on Walidad Khan. A patent was granted to Wazir Khan, doctor, appointing him governor of Oudh; but he never left Delhi to assume charge of his office. No man was nominated for Aligarh. Khan Bahadur Khan was governor of Rohilkhand. No more appointments were made. No man went to Rajputana, and although one was nominated to the Gurgaon district, he never went to take charge of the district.

I can give no detailed information regarding the discipline of the army. The King was never consulted in this matter; but I understand that the troops which were detached for sallying out and attacking the Government forces, used to be composed of three or four sections, for instance the Nasirabad and Neemuch sections, and so on, according to the regiments who composed the attacking column. This was arranged, the day preceding that on which the attack was to be made, by the different officers in mutual consultation at the residence of Mirza Moghal. At all other times the sepoys lodged themselves as they pleased, indiscriminately, without reference to their regiments.

Gouri Shankar had obtained permission to assemble the officers and confirm the different parties in the ranks enjoyed by them while in the service of the British Government. But no such meeting was ever convened. No vacancies which occurred were filled; each continued to hold his former rank.

My opinion is, that it was not possible to preserve proper discipline in the army. The troops as a body were offended at the title of Governor General having been granted to Bakht Khan. They actually addressed a petition to the King in which they signified their unwillingness to be commanded by Bakht Khan. They represented that Bakht Khan was only an artillery officer unfit for the office of governor; that he had neither brought in any treasure, nor did he show proper deference to the King. And they added that Mirza Moghal, the King's son, who had been already entrusted with full powers in military matters, was fit for the post of Governor General, and that the troops as a body were willing to be commanded by him. The King forwarded this petition to Bakht Khan, with a request that he would suggest a proper reply. He suggested that the army might be divided into three divisions, one to be composed of the infantry regiments of Delhi and Meerut; the second, of the troops who accompanied Bakht Khan, the Neemuch brigade and the Sirsa men; and the third division to comprise the rest of the troops. The King sent for Mirza Moghal, and explained to him accordingly.

The reason of the ascendancy of Bakht Khan was this. When he first arrived, he advised the King not to entrust too much power in the hands of his sons, and suggested that all orders be communicated to him (Bakht Khan), in which case every thing would go on as should be desired by the King. The King was already dissatisfied with the insubordinate conduct of his sons, so this advice of Bakht Khan suited his own wishes, and Bakht Khan rose daily in the estimation of the King.

THE WAHABIS.*

During the disturbances a number of Wahabis arrived from Tonk. They complained that the Nawab had neither given them money nor any help. Wahabis also came from other directions.

Bakht Khan was himself a Wahabi, as were also Muhammad Ghafi, Risaldar, and Moulavy Imam Khan, also a Risaldar. Moulavy Abdul Ghaffur and Moulavy

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* A sect among Mahomedans closely corresponding with the Puritans among Christians.

Sarfaraz Ali were also Wahabis. Sarfaraz Ali was constituted by Bakht Khan the leader of the religious warriors, and Bakht Khan supported these men.

A larger number of Wahabis joined after the arrival of Bakht Khan.

These Wahabis printed and published a proclamation inviting all Mahommedans to arm and fight for their religion. A fatwa was also published, declaring that it was the duty of all Mahommedans to make religious war, and that otherwise their families and children would be destroyed and ruined.

This proclamation was distinct from that of Bahadur Khan.

Wahabis came from several parts of the country; from Jaipur, Bhupal, Hansi, Hissar, and some Wilayatis: but I do not remember the names of the particular places from which they came. The details were contained in the records of Mirza Moghal's office.

Out of Delhi, the Hindus were as much hostile to the British Government as the Mahommedans at first, and the same was the case within the city itself. But when Bakht Khan came in and assembled the Mahommedans, and compelled the Moulavies to give in "fatwas" enjoining upon the Mahommedans the duty of making religious war upon the British, their fanaticism was aroused, and they rose up in a body against Government.

At Bulandshahr, Aligarh and Meerut, &c., the Hindus were as much hostile to Government as the Mahommedans.

Bakht Khan once represented to the King that a man had arrived from the Akhund of Swat. The next day two men were introduced to the King by Pirzadah Hasan Askari; one of them presented a sword on the part of the Akhund.

John Gray, "Calcutta Gazette" Office.

FULL TEXT

OF

SOME IMPORTANT STATE DOCUMENTS, &c.,

INCLUDING

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5

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THE INVIOLABILITY OF HER MAJESTY'S PROCLAMATION AS PRONOUNCED BY H. M. THE QUEEN EMPRESS, DISTINGUISHED VICEROYS, AND OTHERS.

Her Gracious Majesty the Queen to Lord Derby, Babelsberg, 15th August, 1858.

"*The Queen has asked Lord Malmesbury to explain in detail to Lord Derby her objections to the draft of Proclamation for India. The Queen would be glad if Lord Derby would write it himself in his excellent language, bearing in mind that it is a female sovereign who speaks to more than a hundred millions of Eastern people on assuming the direct government over them, and after a bloody civil war,* **giving them pledges which her future reign is to redeem, and explaining the principles of her government.** *Such a document should breathe feelings of generosity, benevolence, and religious toleration, and point out the privileges which the Indians will receive in being placed on an equality with the subjects of the British Crown, and the prosperity following in the train of civilization.*"

Her Majesty the Queen Empress in reply to the Jubilee Address of congratulation of the Bombay Municipal Corporation, 1887.

"*I accept with great satisfaction the address of the Corporation of the City of Bombay and the kindly expressions towards myself personally which it contains.*

"*Allusion is made to the Proclamation issued on the occasion of my assumption of the direct Government of India as the Charter of the liberties of the Princes and People of India.* **It has always been and will be continued to be my earnest desire that the principles of that Proclamation should be unsweringly maintained.**"

Lord Lytton at the Delhi Assemblage on 1st January 1877.

"*But you, the Natives of India, whatever your race, and whatever your creed, have a recognised claim to share largely with your English fellow-subjects, according to your capacity for the task, in the administration of the country you inhabit. This claim is founded in the highest justice. It has been repeatedly affirmed by British and Indian statesmen, and by the Legislation of the Imperial Parliament. It is recognised by the Government of India, as binding on its honour, and consistent with all the aims of its policy.*"

Lord Lytton as Chancellor of the Calcutta University, March 1877.

"*The Proclamation of the Queen contains solemn pledges spontaneously given and founded upon the highest justice.*"

Lord Ripon in the Viceregal Legislative Council, 1883.

"The document (Her Majesty's Proclamation) is not a treaty, it is not a diplomatic instrument, it is a declaration of principles of Government which, if it is obligatory at all, is obligatory in respect to all to which it is addressed. The doctrine, therefore, to which Sir Fitzjames Stephen has given the sanction of his authority, I feel bound to repudiate to the utmost of my powers. It seems to me to be inconsistent with the character of my Sovereign and with the honour of my country, and if it were once to be received and acted upon by the Government of England, it would do more than anything else could possibly do to strike at the root of our power and to destroy our just influence. Because that power and that influence rests upon the conviction of our good faith more than upon any other foundation, aye, more than upon the valour of our soldiers and the reputation of our arms."

Lord Dufferin on the occasion of Her Majesty's Jubilee in 1887.

"Glad and happy should I be if, during my sojourn among them, (the people of India), circumstances permitted me to extend, and to place upon a wider and more logical footing, the political status which was so wisely given, a generation ago, by that great statesman, Lord Halifax, to such Indian gentlemen as by their influence, their acquirements and the confidence they inspired in their fellow-countrymen, were marked out as useful adjuncts to our Legislative Councils."

John Malcolm Ludlow, Esq., Barrister-at-Law, Thoughts on the Policy of the Crown towards India.

I heartily approve of the Proclamation of the Queen's Government and believe that every nerve should be strained by all well-wishers to India to carry it loyally and generously into effects that no punishment scarcely can be too great for those officials who should dare to disregard it or tamper with it.

It is quite impossible to overrate the momentous nature of such a document. It is not only the first (if I mistake not) which has ever been directly addressed by the wearer of the English crown to the natives of India: It claims for itself a character of permanency, definitiveness, which no Governor-General's proclamation can lay claim to. So long as we have any national dignity at all, *it must determine to all time the fundamental character of English dominion in India.* It is, in truth, British India's Magna Charta; but one, not extorted from a cowardly tyrant, but freely granted by a gracious lady, ruler over willing subjects, lawful sovereign of free-born men. * *

I believe that it would be most unwise not to accept the proclamation, in the very length and breadth of it, as *true;* as expressing that which ought to be, that which is, England's policy towards India; as supplying a definite standard by which to measure the future acts of Governors-General and of ministers. For though men's words often transcend their acts,—though the humiliating contrast between large promise and small performance meets us on all sides at every step,—yet it is no less true that words of grace and justice, once put forth, have a power as it were to draw up men's acts towards their own level. And it is characteristic of English history, that our national liberties have always developed themselves by taking men's words in earnest, at their full weight, from whatever lips they might proceed; by forcing those lips, however false, to keep them. How often was Magna Charta broken, how often confirmed, before it came to be what it is now, the very corner-stone of our social state, that for want of which continental fabrics of free government crumble away at a touch! Even so must it be with this our Sovereign's memorable proclamation, if the day should come again when ministers or governors-general,—or their subordinates, as powerful perhaps in smaller spheres,—shall play fast and loose with treaties, thrust of purpose forward the limits of empire, trample upon native rights and properties. *By that proclamation must they be judged; to its standard must they be made to conform. They may violate every one of its promises,—but every promise will survive its own violation,—and avenge it.*

THE QUEEN'S GRACIOUS PROCLAMATION OF 1858.

Proclamation by the Queen in Council, to the Princes, Chiefs, and People of India.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof in Europe, Asia, Africa, America, and Australasia, Queen, Defender of the Faith.

Whereas, for divers weighty reasons, we have resolved, by and with the advice and consent of the lords spiritual and temporal and commons in Parliament assembled, to take upon ourselves the government of the territories in India, heretofore administered in trust for us by the Honourable East India Company:

Now, therefore, we do by these presents notify and declare that, by the advice and consent aforesaid, we have taken upon ourselves the said government, and we hereby call upon all our subjects within the said territories to be faithful and to bear true allegiance to us, our heirs and successors, and to submit themselves to the authority of those whom we may hereafter from time to time see fit to appoint to administer the government of our said territories, in our name and on our behalf.

And we, reposing especial trust and confidence in the loyalty, ability, and judgment of our right trusty and well-beloved cousin and councillor, Charles John Viscount Canning, do hereby constitute and appoint him, the said Viscount Canning, to be our first Viceroy and Governor-General in and over our said territories, and to administer the government thereof in our name, and generally to act in our name and on our behalf, subject to such orders and regulations as he shall, from time to time, receive from us through one of our principal Secretaries of State.

And we do hereby confirm in their several offices, civil and military, all persons now employed in the service of the Honourable East India Company, subject to our future pleasure, and to such laws and regulations as may hereafter be enacted.

We hereby announce to the native princes of India that all treaties and engagements made with them, by or under the authority of the Honourable

East India Company, are by us accepted, and will be scrupulously maintained; and we look for the like observance on their part.

We desire no extension of our present territorial possessions; and while we will permit no aggression upon our dominions or our rights to be attempted with impunity, we shall sanction no encroachment on those of others. We shall respect the rights, dignity, and honour of native princes as our own, and we desire that they, as well as our own subjects, should enjoy that prosperity and that social advancement which can only be secured by internal peace and good government.

We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects; and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fulfil.

Firmly relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, we disclaim alike the right and the desire to impose our convictions on any of our subjects. We declare it to be our Royal will and pleasure that none be in anywise favoured, none molested or disquieted, by reason of their religious faith or observances, but that *all shall alike enjoy the equal and impartial protection of the law;* and we do strictly charge and enjoin all those who may be in authority under us, that they abstain from all interference with the religious belief or worship of any of our subjects, on pain of our highest displeasure.

And it is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to offices in our service, the duties of which they may be qualified, by their education, ability, and integrity, duly to discharge.

We know and respect the feelings of attachment with which the natives of India regard the lands inherited by them from their ancestors, and we desire to protect them in all rights connected therewith, subject to the equitable demands of the State; and we will that, generally, in framing and administering the law, due regard be paid to the ancient rights, usages, and customs of India.

We deeply lament the evils and misery which have been brought upon India by the acts of ambitious men, who have deceived their countrymen by false reports, and led them into open rebellion. Our power has been shown by the suppression of that rebellion in the field; we desire to show our mercy by pardoning the offences of those who have been thus misled, but who desire to return to the path of duty.

Already in one province, with a view to stop the further effusion of blood, and to hasten the pacification of our Indian dominions, our viceroy and governor-general has held out the expectation of pardon, on certain terms, to the great majority of those who in the late unhappy disturbances have been guilty of offences against our Government, and has declared the punishment which will be inflicted on those whose crimes place them beyond the reach of forgiveness. We approve and confirm the said act of our viceroy and governor-general, and do further announce and proclaim as follows:—

"Our clemency will be extended to all offenders, save and except those who have been or shall be convicted of having directly taken part in the murder of British subjects.

"With regard to such the demands of justice forbid the exercise of mercy.

"To those who have willingly given asylum to murderers, knowing them to be such, or who may have acted as leaders or instigators in revolt, their lives alone can be guaranteed; but, in appointing the penalty due to such persons, full consideration will be given to the circumstances under which they have been induced to throw off their allegiance, and large indulgence will be shown to those whose crimes may appear to have originated in a too credulous acceptance of the false reports circulated by designing men.

"To all others in arms against the Government, we hereby promise unconditional pardon, amnesty, and oblivion of all offences against ourselves, our crown, and dignity, on their return to their homes and peaceful pursuits.

"It is our Royal pleasure that these terms of grace and amnesty should be extended to all those who comply with their conditions before the first day of January next.

"When, by the blessing of Providence, internal tranquillity shall be restored, *it is our earnest desire to stimulate the peaceful ministry of India,* to promote works of public utility and improvement, *and to administer its government for the benefit of all our subjects resident therein. In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward.* And may the God of all power grant unto us, and to those in authority under us, strength to carry out these our wishes for the good of our people."

EXTRACT FROM CHAPTER VII.

OF A

PAPER ON THE EDUCATION OF THE PEOPLE OF INDIA,

BY

SIR CHARLES EDWARD TREVELYAN (1838.)

There can be no dispute as to what our duty as the rulers of India requires us to do. But it has been said, and may be said again, that whatever *our duty* may be, it is not *our policy* to enlighten the natives of India; that the sooner they grow to man's estate, the sooner they will be able to do without us; and that by giving them knowledge, we are giving them power, of which they will make the first use against ourselves.

If *our interest* and *our duty* were really opposed to each other, every good man, every honest Englishman, would know which to prefer. Our national experience has given us too deep a sense of the true ends of government, to allow us to think of carrying on the administration of India *except for the benefit of the people of India.* A nation which made so great a sacrifice to redeem a few hundred thousand negroes from slavery, would shudder at the idea of keeping a hundred millions of Indians in the bondage of ignorance, with all its frightful consequences, by means of *a political system supported by the revenue taken from the Indians themselves.* Whether we govern India ten or a thousand years, we will do our duty by it: we will look, *not to the probable duration of our trust, but to the satisfactory dis-*

charge of it, so long as it shall please God to continue it to us. Happily, however, we are not on this occasion called upon to make any effort of disinterested magnanimity. Interest and duty are never really separated in the affairs of nations, any more than they are in those of individuals; and in this case they are indissolubly united, as a very slight examination will suffice to show.

* * * * *

The spirit of English literature, on the other hand, cannot but be favourable to the English connection. Familiarly acquainted with us by means of our literature, the Indian youth almost ceases to regard us as foreigners. They speak of our great men with the same enthusiasm as we do. Educated in the same way, interested in the same objects, engaged in the same pursuits with ourselves, they become *more English than Hindu*, just as the Roman provincials became more Romans than Gauls or Italians. What is it that makes us what we are, except living and conversing with English people, and imbibing English thoughts and habits of mind? They do so too: they daily converse with the best and wisest Englishmen through the medium of their works; and form, perhaps, a higher idea of our nation than if their intercourse with it were of a more personal kind. Admitted behind the scenes, they become acquainted with the principles which guide our proceedings; they see how sincerely we study the benefit of India in the measures of our administration; and from violent opponents, or sullen conformists, they are converted into zealous and intelligent co-operators with us. They learn to make a proper use of the freedom of discussion which exists under our government, by observing how we use it ourselves; and they cease to think of violent remedies, because they are convinced that there is no indisposition on our part to satisfy every real want of the country. *Dishonest and bad rulers alone derive any advantage from the ignorance of their subjects.* As long as we study the benefit of India in our measures, the confidence and affection of the people will increase in proportion to their knowledge of us.

But this is not all. There is a principle in human nature which impels all mankind to aim at improving their condition; every individual has his plain of happiness; every community has its ideas of securing the national honour and prosperity. This powerful and universal principle, in some shape or other, is in a state of constant activity; and *if it be not enlisted on our side, it must be arrayed against us.* As long as the natives are left to brood over their former independence, their sole specific for improving their condition is, the immediate and total expulsion of the English. A native patriot of the old school has no notion of anything beyond this; his attention has never been called to any other mode of restoring the dignity and prosperity of his country. It is only by the infusion of European ideas, that a new direction can be given to the national views. The young men, brought up at our seminaries, turn with contempt from the barbarous despotisms under which their ancestors groaned, to the prospect of improving their national institutions on the English model. Instead of regarding us with dislike, they court or society, and look upon us as their natural protectors and benefactors: the summit of their ambition is, to resemble us; and, under our auspices, they hope to elevate the character of their countrymen, and to prepare them by gradual steps for the enjoyment of a well-regulated and therefore a secure and a happy independence. *So far from having the idea of driving the English into the sea uppermost in their minds, they have no notion of any improvement but such as rivets their connection with the English, and makes them dependent on English protection and instruction.* In the re-establishment of the old native governments they see only the destruction of their most cherished hopes, and a state of great personal insecurity for themselves.

The existing connection between two such distant countries as England and India, cannot, in the nature of things, be permanent; no effort of policy can prevent the natives from ultimately regaining their independence. But there are two ways of arriving at this point. One of these is, through the medium of *revolution*; the other, through that of *reform*. In one, the forward movement is sudden and violent; in the other, it is gradual and peaceable. One must end in a complete alienation of mind and separation of interests between ourselves and the natives; the other in a *permanent alliance, founded on mutual benefit good-will.*

The only means at our disposal for preventing the one and securing the other class of results is, to set *the natives on a process of European improvement, to which thay are already sufficiently inclined.* They will then cease to desire and aim at independence on the old Indian footing. A sudden change will then be impossible; and a long continuance of our present connection with India will even be assured to us. A Mahratta or Mahommedan despotism might be re-established in a month; but a century would scarcely suffice to prepare the people for self-government on the European model. The political education of a nation must be a work of time; and while it is in progress, we shall be as safe as it will be possible for us to be. *The natives will not rise against us, because we shall stoop to raise them*; there will be no re-action, because there will be no pressure; *the national activity will be fully and harmlessly employed in acquiring and diffusing European knowledge, and in naturalising European institutions. The educated classes, knowing that the elevation of their country on these principles can only be worked out under our protection, will naturally cling to us. They even now do so.* There is no class of our subjects to whom we are so thoroughly necessary as those whose opinions have been cast in the English mould; they are spoiled for a purely native regime; they have everything to fear from the premature establishment of a native government; their education would mark them out for persecution; the feelings of independence, the literary and scientific pursuits, the plans of improvement in which they indulged under our government, must be exchanged for the servility and prostration of mind which characterise an Asiatic court. *This class is at present a small minority, but it is continually receiving accessions from the youth who are brought up at the different English seminaries. It will in time become the majority; and it will then be necessary to modify the political institutions to suit the increased intelligence of the people, and their capacity for self-government.*

The change will thus be peaceably and gradually effected; there will be no struggle, no mutual exasperation; the natives will have independence, after first learning how to make a good use of it; we shall exchange profitable subjects for still more profitable allies. The present administrative connection benefits families, but a strict commerical union between the first manufacturing and the first producing country in the world, would be a solid foundation of strength and prosperity to our whole nation. If this course be adopted, there will, properly speaking, be no separation. A precarious and temporary relation will almost imperceptibly pass into another far more durable and beneficial. Trained by us to happiness and independence, and endowed with our learning and our political institutions, India will remain the proudest monument of British benevolence; and we shall long continue to reap, in the affectionate attachment of the people, and in a great commercial intercourse with their splendid country, the fruit of that liberal and enlightened policy which suggested to us this line of conduct.

In following this course we should be trying no new experiment. The Romans at once civilised the nations of Europe, and attached them to their rule by Romanising them; or, in other words, by educating them in the Roman literature and arts, and teaching them to emulate their conquerors instead of opposing them. Acquisitions made by superiority in war, were consolidated by superiority in the arts of peace; and the remembrance of the original violence was lost in that of the benefits which resulted from it. The provincials of Italy, Spain, Africa, and Gaul, having no ambition except to imitate the Romans, and to share their privileges with them, remained to the last faithful subjects of the empire; and the union was at last dissolved, not by internal revolt, but by the shock of external violence, which involved conquerors and conquered in one common overthrow. The Indians will, I hope, soon stand in the same position towards us in which we once stood towards the Romans. Tacitus informs us, that it was the policy of Julius Agricola to instruct the sons of the leading men among the Britons in the literature and science of Rome, and to give them a taste for the refinements of Roman civilization. We all know how well this plan answered. From being obstinate enemies, the Britons soon became attached and confiding friends; and they made more strenuous efforts to retain the Romans, than their ancestors had done to resist their invasion. It will be a shame to us if, with our greatly superior advantages, we also do not make our premature departure be dreaded as a calamity. It must not be said in after ages, that "the groans of the Britons" were elicited by the breaking up of the Roman empire; and the groans of the Indians by the continued existence of the British.

* * * *

These views were not worked out by reflection, but were forced on me by actual observation and experience. I passed some years in parts of India, where, owing to the comparative novelty of our rule and to the absence of any attempt to alter the current of native feeling, the national habits of thinking remained unchanged. There, high and low, rich and poor, had only one idea of improving their political condition. The upper classes lived upon the prospect of regaining their former pre-eminence: and the lower, upon that of having the avenues to wealth and distinction reopened to them by the re-establishment of a native government. Even sensible and comparatively well affected natives had no notion that there was any remedy for the existing depressed state of their nation except the sudden and absolute ex pulsion of the English. After that, I resided for some years in Bengal, and there I found quite another set of ideas prevalent among the educated natives. Instead of thinking of cutting the throats of English, they were aspring to sit with them on the grand jury or on the bench of magistrates. Instead of speculating on Punjab or Nepaulese politics, they were discussing the advantages of printing and free discussion, in oratorical English speeches, at debating societies which they had established among themselves. The most sanguine dimly looked forward in the distant future to the establishment of a national representative assembly as the consummation of their hopes—all of them being fully sensible that these plans of improvement could only be worked out with the aid and protection of the British Government by the gradual improvement of their countrymen in knowledge and morality; and that the re-establishment of a Mahommedan or any other native regime would at once render all such views impracticable and ridiculous. No doubt, both these schemes of national improvement suppose the termination of the English rule; but while that event is the beginning of one, it is only the conclusion of the other. In one, the sudden and violent overthrow of our government is a necessary preliminary; in the other, a long continuance of our administration, and the gradual withdrawal of it as the people become fit to govern themselves, are equally indispensable.

* * * *

THE EDUCATIONAL CHARTER OF INDIA,

BEING

DESPATCH

FROM

THE HOME GOVERNMENT

ON THE SUBJECT OF

EDUCATION IN INDIA.

I.

From the Court of Directors of the East India Company, to the Governor General of India in Council, (No. 49, dated 19th July 1854.)

1. It appears to us that the present time, when by an Act of the Imperial Legislature the responsible trust of the Government of India has again been placed in our hands, is peculiarly suitable for the review of the progress which has already been made, the supply of existing deficiencies, and the adoption of such improvements as may be best calculated to secure the ultimate benefit of the people committed to our charge.

2. Among many subjects of importance, none can have a stronger claim to our attention than that of education. It is one of our most sacred duties to be the means, as far as in us lies, of conferring upon the natives

of India those vast moral and material blessings which flow from the general diffusion of useful knowledge, and which India may, under Providence, derive from her connexion with England. For, although British influence has already, in many remarkable instances, been applied with great energy and success to uproot demoralising practices and even crimes of a deeper dye, which for ages had prevailed among the natives of India, the good results of those efforts must, in order to be permanent, possess the further sanction of a general sympathy in the native mind which the advance of education alone can secure.

Public letter to Bengal, 5th September 1827.

3. We have, moreover, always looked upon the encouragement of education as peculiarly important, because calculated "not only to produce a higher degree of intellectual fitness, but to raise the moral character of those who partake of its advantages, and so to supply you with servants to whose probity you may with increased confidence commit offices of trust" in India, where the well-being of the people is so intimately connected with the truthfulness and ability of officers of every grade in all departments of the State.

4. Nor, while the character of England is deeply concerned in the success of our efforts for the promotion of education, are her material interests altogether unaffected by the advance of European knowledge in India; this knowledge will teach the natives of India the marvellous results of the employment of labor and capital, rouse them to emulate us in the development of the vast resources of their country, guide them in their efforts, and gradually, but certainly, confer upon them all the advantages which accompany the healthy increase of wealth and commerce; and, at the same time, secure to us a larger and more certain supply of many articles necessary for our manufactures and extensively consumed by all classes of our population, as well as an almost inexhaustible demand for the produce of British labor.

5. We have from time to time given careful attention and encouragement to the efforts which have hitherto been made for the spread of education, and we have watched with deep interest the practical results of the various systems by which those efforts have been directed. The periodical reports of the different Councils and Boards of Education, together with other official communications upon the same subject, have put us in possession of full information as to those educational establishments which are under the direct control of Government; while the evidence taken before the Committees of both Houses of Parliament upon Indian affairs has given us the advantage of similar information with respect to exertions made for this purpose by persons unconnected with Government, and has also enabled us to profit by a knowledge of the views of those who are best able to arrive at sound conclusions upon the question of education generally.

6. Aided, therefore, by ample experience of the past, and the most competent advice for the future, we are now in a position to decide on the mode in which the assistance of Government should be afforded to the more extended and systematic promotion of general education in India, and on the measures which should at once be adopted to that end.

7. Before proceeding further, we must emphatically declare that the

education which we desire to see extended in India is that which has for its object the diffusion of the improved arts, science, philosophy and literature of Europe; in short, of European knowledge.

8. The systems of science and philosophy which from the learning of the East abound with grave errors, and Eastern literature is at best very deficient as regards all modern discovery and improvements; Asiatic learning, therefore, however widely diffused, would but little advance our object. We do not wish to diminish the opportunities which are now afforded in special institutions for the study of Sanskrit, Arabic and Persian literature, or for the cultivation of those languages which may be called the classical languages of India. An acquaintance with the works contained in them is valuable for historical and antiquarian purposes, and a knowledge of the languages themselves is required in the study of Hindoo and Mahomedan law, and is also of great importance for the critical cultivation and improvement of the vernacular languages of India.

9. We are not unaware of the success of many distinguished oriental scholars in their praiseworthy endeavours to ingraft upon portions of Hindoo philosophy the germs of sounder morals and of more advanced science; and we are far from under-rating the good effect which has thus been produced upon the learned classes of India, who pay hereditary veneration to those ancient languages, and whose assistance in the spread of education is so valuable, from the honorable and influential position which they occupy among their fellow-countrymen. But such attempts, although they may usefully co-operate, can only be considered as auxiliaries, and would be a very inadequate foundation for any general scheme of Indian education.

10. We have also received most satisfactory evidence of the high attainments in English literature and European science which have been acquired of late years by some of the natives of India. But this success has been confined to but a small number of persons; and we are desirous of extending far more widely the means of acquiring general European knowledge of a less high order, but of such a character as may be practically useful to the people of India in their different spheres of life. To attain this end it is necessary, for the reasons which we have given above, that they should be made familiar with the works of European authors, and with the results of the thought and labor of Europeans on the subjects of every description upon which knowledge is to be imparted to them; and to extend the means of imparting this knowledge must be the *object* of any general system of education.

11. We have next to consider the manner in which our object is to be effected; and this leads us to the question of the *medium* through which knowledge is to be conveyed to the people of India. It has hitherto been necessary, owing to the want of translations or adaptations of European works in the vernacular languages of India, and to the very imperfect shape in which European knowledge is to be found in any works in the learned languages of the East, for those who desired to obtain a liberal education, to begin by the mastery of the English language as a key to the literature of Europe, and a knowledge of English will always be essential to those natives of India who aspire to a high order of education.

12. In some parts of India, more especially in the immediate vicinity

of the presidency towns, where persons who possess a knowledge of English are preferred to others in many employments, public as well as private, a very moderate proficiency in the English language is often looked upon by those who attend school instruction, as the end and object of their education, rather than as a necessary step to the improvement of their general knowledge. We do not deny the value in many respects of the mere faculty of speaking and writing English, but we fear that a tendency has been created in these districts unduly to neglect the study of the vernacular languages.

13. It is neither our aim nor desire to substitute the English language for the vernacular dialects of the country. We have always been most sensible of the importance of the use of the languages which alone are understood by the great mass of the population. These languages, and not English, have been put by us in the place of Persian in the administration of justice and in the intercourse between the officers of Government and the people. It is indispensible, therefore, that, in any general system of education, the study of them should be assiduously attended to, and any acquaintance with improved European knowledge which is to be communicated to the great mass of the people—whose circumstances prevent them from acquiring a high order of education, and who cannot be expected to overcome the difficulties of a foreign language—can only be conveyed to them through one or other of these vernacular languages.

14. In any general system of education, the English language should be taught where there is a demand for it; but such instruction should always be combined with a careful attention to the study of the vernacular language of the district, and with such general instruction as can be conveyed through that language; and while the English language continues to be made use of, as by far the most perfect *medium* for the education of those persons who have acquired a sufficient knowledge of it to receive general instruction *through* it, the vernacular languages must be employed to teach the far larger classes who are ignorant of, or imperfectly acquainted with English. This can only be done effectually through the instrumentality of masters and professors, who may, by themselves, knowing English, and thus having full access to the latest improvements in knowledge of every kind, impart to their fellow-countrymen, through the [medium of their mother tongue, the information which they have thus obtained. At the same time, and as the importance of the vernacular languages becomes more appreciated, the vernacular literatures of India will be gradually enriched by translations of European books or by the original compositions of men whose minds have been imbued with the spirit of European advancement, so that European knowledge may gradually be placed in this manner within the reach of all classes of the people. We look, therefore, to the English language and to the vernacular languages of India together as the *media* for the diffussion of European knowledge, and it is our desire to see them cultivated together in all schools in India of a sufficiently high class to maintain a school-master possessing the requisite qualifications.

15. We proceed now to the machinery which we propose to establish for the superintendence and direction of education. This has hitherto been exercised in our presidencies of Bengal, Madras and Bombay by Boards

and Councils of Education, composed of European and Native gentlemen, who have devoted themselves to this duty with no other remuneration than the consciousness of assisting the progress of learning and civilization, and, at the same time, with an earnestness and ability which must command the gratitude of the people of India, and which will entitle some honored names amongst them to a high place among the benefactors of India and of the human race.

16. The Lieutenant Governor of Agra has, since the separation of the educational institutions of the North-Western Provinces from those of Bengal, taken upon himself the task of their management; and we cannot allow this opportunity to pass without the observation that, in this, as in all other branches of his administration, Mr. Thomason displayed that accurate knowledge of the condition and requirements of the people under his charge, and that clear and ready perception of the practical measures best suited for their welfare, which make his death a loss to India, which we deplore the more deeply as we fear that his unremitting exertions tended to shorten his career of usefulness.

17. We desire to express to the present Boards and Councils of Education our sincere thanks for the manner in which they have exercised their functions, and we still hope to have the assistance of the gentlemen composing them in furtherance of a most important part of our present plan; but, having determined upon a very considerable extension of the general scope of our efforts, involving the simultaneous employment of different agencies, some of which are now wholly neglected, and others but imperfectly taken advantage of by Government, we are of opinion that it is advisable to place the superintendence and direction of education upon a more systematic footing, and we have, therefore, determined to create an Educational Department as a portion of the machinery of our Governments in the several presidencies of India. We accordingly propose that an officer shall be appointed for each presidency and lieutenant governorship, who shall be specially charged with the management of the business connected with education, and be immediately responsible to Government for its conduct.

18. An adequate system of inspection will also, for the future, become an essential part of our educational system; and we desire that a sufficient number of qualified inspectors be appointed, who will periodically report upon the state of those colleges and schools which are now supported and managed by Government, as well as of such as will hereafter be brought under Government inspection by the measures that we propose to adopt. They will conduct, or assist at, the examination of the scholars at these institutions, and generally, by their advice, aid the managers and schoolmasters in conducting colleges and schools of every description throughout the country. They will necessarily be of different classes, and may possess different degrees of acquirement, according to the higher or lower character of the institutions which they will be employed to visit; but we need hardly say that, even for the proper inspection of the lower schools, and with a view to their effectual improvement, the greatest care will be necessary to select persons of high character and fitting judgment for such employment. A proper staff of clerks and other officers will, moreover, be required for the Educational Departments.

19. Reports of the proceedings of the inspectors should be made periodically, and these, again, should be embodied in the annual reports of the heads of the Educational Departments, which should be transmitted to us, together with statistical returns (to be drawn up in similar forms in all parts of India), and other information of a general character relating to education.

20. We shall send copies of this despatch to the Governments of Fort St. George and of Bombay, and direct them at once to make provisional arrangements for the superintendence and inspection of education in their respective presidencies. Such arrangements as they may make will be reported to you for sanction. You will take similar measures in communication with the Lieutenant Governors of Bengal and of Agra, and you will also provide in such manner as may seem advisable for the wants of the non-regulation provinces in this respect. We desire that your proceedings in this matter may be reported to us with as little delay as possible, and we are prepared to approve of such an expenditure as you may deem necessary for this purpose.

21. In the selection of the heads of the Educational Departments, the inspectors and other officers, it will be of the greatest importance to secure the services of persons who are not only best able, from their character, position and acquirements, to carry our objects into effect, but who may command the confidence of the natives of India. It may, perhaps, be advisable that the first heads of the Educational Department, as well as some of the inspectors, should be members of our Civil Service, as such appointments in the first instant would tend to raise the estimation in which these offices will be held, and to show the importance we attach to the subject of education, and also, as amongst them you will probably find the persons best qualified for the performance of the duty. But we desire that neither these offices, nor any others connected with education, shall be considered as necessarily to be filled by members of that service, to the exclusion of others, Europeans or Natives, who may be better fitted for them; and that, in any case, the scale of their remuneration shall be so fixed as publicly to recognize the important duties they will have to perform.

22. We now proceed to sketch out the general scheme of the measures which we propose to adopt. We have endeavoured to avail ourselves of the knowledge which has been gained from the various experiments which have been made in different parts of India for the encouragement of education; and we hope, by the more general adoption of those plans which have been carried into successful execution in particular districts, as well as by the introduction of other measures which appear to be wanting, to establish such a system as will prove generally applicable throughout India, and thus to impart to the educational efforts of our different presidencies a greater degree of uniformity and method than at present exists.

23. We are fully aware that no general scheme would be applicable in all its details to the present condition of all portions of our Indian territories, differing, so widely as they do, one from another, in many important particulars. It is difficult, moreover, for those who do not possess a recent and practical acquaintance with particular districts, to appreciate the importance which should be attached to the feelings and influences which

prevail in each; and we have, therefore, preferred confining ourselves to describing generally what we wish to see done, leaving to you, in communication with the several local Governments, to modify particular measures so far as may be required, in order to adapt them to different parts of India.

24. Some years ago, we declined to accede to a proposal made by the Council of Education, and transmitted to us with the recommendation of your Government, for the institution of an University in Calcutta. The rapid spread of a liberal education among the natives of India since that time, the high attainments shown by the native candidates for Government scholarships, and by native students in private institutions, the success of the medical colleges, and the requirements of an increasing European and Anglo-Indian population, have led us to the conclusion that the time is now arrived for the establishment of universities in India, which may encourage a regular and liberal course of education by conferring academical degrees as evidences of attainments in the different branches of art and science, and by adding marks of honor for those who may desire to compete for honorary distinction.

25. The Council of Education, in the proposal to which we have alluded, took the London University as their model; and we agree with them that the form, government and functions of that University (copies of whose charters and regulations we enclose for your reference) are the best adapted to the wants of India, and may be followed with advantage, although some variation will be necessary in points of detail.

26. The universities in India will accordingly consists of a Chancellor, Vice-Chancellor and Fellows, who will constitute a Senate. The Senates will have the management of the funds of the universities, and frame regulations for your approval, under which periodical examinations may be held in the different branches of art and science by examiners selected from their own body, or nominated by them.

27. The function of the universities will be to confer degrees upon such persons as, having been entered as candidates according to the rules which may be fixed in this respect, and having produced from any of the "affiliated institutions" which will be enumerated on the foundation of the universities, or be from time to time added to them by Government, certificates of conduct, and of having pursued a regular course of study for a given time, shall have also passed at the universities such an examination as may be required of them. It may be advisable to dispense with the attendance required at the London University for the matriculation examination, and to substitute some mode of entrance examination which may secure a certain amount of knowledge in the candidates for degrees, without making their attendance at the universities necessary, previous to the final examination.

28. The examinations for degrees will not include any subjects connected with religious belief; and affiliated institutions will be under the management of persons of every variety of religious persuasion. As in England, various institutions in immediate connexion with the Church of England, the Presbyterian College at Caermarthen, the Roman Catholic College at Oscott, the Wesleyan College at Sheffield, the Baptist College at Bristol, and the Countess of Huntingdon's College at Cheshunt, are

among the institutions from which the London University is empowered to receive certificates for degrees : so in India, institutions conducted by all denominations of Christians, Hindoos, Mahomedans, Parsees, Sikhs, Bhuddists, Jains, or any other religious persuasions, may be affiliated to the universities, if they are found to afford the requisite course of study, and can be depended upon for the certificate of conduct which will be required.

29. The detailed regulations for the examination for degrees should be framed with a due regard for all classes of the affiliated institutions ; and we will only observe upon this subject that the standard for common degrees will require to be fixed with very great judgment. There are many persons who well deserve the distinction of an academical degree, as the recognition of a liberal education, who could not hope to obtain it if the examination was as difficult as that for the senior Government scholarships ; and the standard required should be such as to command respect without discouraging the efforts of deserving students, which would be a great obstacle to the success of the universities. In the competitions for honors, which, as in the London University, will follow the examinations for degrees, care should be taken to maintain such a standard as will afford a guarantee for high ability and valuable attainments,—the subjects for examination being so selected as to include the best portions of the different schemes of study pursued at the affiliated institutions.

30. It will be advisable to institute, in connection with the universities, professorships for the purpose of the delivery of lectures in various branches of learning, for the acquisition of which, at any rate in an advanced degree, facilities do not now exist in other institutions in India. Law is the most important of these subjects ; and it will be for you to consider whether, as was proposed in the plan of the Council of Education to which we have before referred, the attendance upon certain lectures, and the attainment of a degree in law, may not, for the future, be made a qualification for vakeels and moonsiffs, instead of, or in addition to, the present system of examination, which must, however, be continued in places not within easy reach of an university.

31. Civil engineering is another subject of importance, the advantages of which, as a profession, are gradually becoming known to the natives of India ; and while we are inclined to believe that instructions of a practical nature, such as is given at the Thomason College of Civil Engineering at Roorkee, is far more useful than any lectures could possibly be, professorships of civil engineering might, perhaps, be attached to the universities, and degrees in civil engineering be included in their general scheme.

32. Other branches of useful learning may suggest themselves to you, in which it might be advisable that lectures should be read, and special degrees given ; and it would greatly encourage the cultivation of the vernacular languages of India that professorships should be founded of those languages, and perhaps, also for Sanskrit, Arabic and Persian. A knowledge of the Sanskrit language, the root of the vernaculars of the greater part of India, is more especially necessary to those who are engaged in the work of composition in those languages ; while Arabic, through Persian, is one of the component parts of the Urdu language, which extends over so large a part of Hindoostan, and is, we are informed, capable of consi-

derable development. The grammar of these languages, and their application to the improvement of the spoken languages of the country, are the points to which the attention of these professors should be mainly directed; and there will be an ample field for their labors unconnected with any instruction in the tenets of the Hindoo or Mahomedan religions. We should refuse to sanction any such teaching, as directly opposed to the principles of religious neutrality to which we have always adhered.

33. We desire that you take into your consideration the institution of universities at Calcutta and Bombay, upon the general principles which we have now explained to you, and report to us upon the best method of procedure, with a view to their incorporation by Acts of the Legislative Council of India. The offices of Chancellor and Vice-Chancellor will naturally be filled by persons of high station, who have shown an interest in the cause of education; and it is in connexion with the universities that we propose to avail ourselves of the services of the existing Council of Education at Calcutta and Board of Education at Bombay. We wish to place these gentlemen in a position which will not only mark our sense of the exertions which they have made in furtherance of education, but will give it the benefit of their past experience of the subject. We propose, therefore, that the Council of Education at Calcutta and the Board of Education at Bombay, with some additional members to be named by the Government, shall constitute the Senate of the University at each of those presidencies.

34. The additional members should be so selected as to give to all those who represent the different systems of education which will be carried on in the affiliated institutions—including natives of India of all religious persuasions, who possess the confidence of the native communities —a fair voice in the Senates. We are led to make these remarks, as we observe that the plan of the Council of Education, in 1845, for the constitution of the Senate of the proposed Calcutta University, was not sufficiently comprehensive.

35. We shall be ready to sanction the creation of an university at Madras or in any other part of India, where a sufficient number of institutions exist, from which properly qualified candidates for degrees could be supplied; it being in our opinion advisable that the great centres of European government and civilization in India should possess universities similar in character to those which will now be founded as soon as the extension of a liberal education shows that their establishment would be of advantage to the native communities.

36. Having provided for the general superintendence of education, and for the institution of universities, not so much to be in themselves places of instruction, as to test the value of the education obtained elsewhere, we proceed to consider, *first*, the different classes of colleges and schools, which should be maintained in simultaneous operation, in order to place within the reach of all classes of the natives of India the means of obtaining improved knowledge suited to their several conditions of life; and, *secondly*, the manner in which the most effectual aid may be rendered by Government to each class of educational institutions.

37. The candidates for university degrees will, as we have already

explained, be supplied by colleges affiliated to the universities. These will comprise all such institutions as are capable of supplying a sufficiently high order of instruction in the different branches of art and science in which university degrees will be accorded. The Hindoo, Hooghly, Dacca, Kishnaghur and Berhampore Government Anglo-Vernacular Colleges, the Sanskrit College, the Mahomedan Madrissas, and the Medical College, in Bengal; the Elphinstone Institution, the Poonah College, and the Grant Medical College, in Bombay; the Delhi, Agra, Benares, Bareilly and Thomason Colleges in the North-Western Provinces; Seminaries, such as the Oriental Seminary in Calcutta, which have been established by highly educated natives, a class of places of instruction which we are glad to learn is daily increasing in number and efficiency; those, which, like the Parental Academy, are conducted by East Indians; Bishop's College, the General Assembly's Institution, Dr. Duff's College, the Baptist College at Serampore, and other institutions under the superintendence of different religious bodies and Missionary Societies, will, at once, supply a considerable number of educational establishments, worthy of being affiliated to the universities, and of occupying the highest place in the scale of general instruction.

38. The affiliated institutions will be periodically visited by Government inspectors; and a spirit of honorable rivalry, tending to preserve their efficiency, will be promoted by this, as well as by the competition of their most distinguished students for university honors. Scholarships should be attached to them, to be held by the best students of lower schools; and their scheme of education should provide, in the anglo-vernacular colleges, for a careful cultivation of the vernacular languages; and, in the oriental colleges, for sufficient instruction in the English and vernacular languages, so as to render the studies of each most available for that general diffusion of European knowledge which is the main object of education in India.

39. It is to this class of institutions that the attention of Government has hitherto been principally directed, and they absorb the greater part of the public funds which are now applied to educational purposes. The wise abandonment of the early views with respect to native education, which erroneously pointed to the classical languages of the East as the *media* for imparting European knowledge, together with the small amount of pecuniary aid which, in the then financial condition of India, was at your command, has led, we think, to too exclusive a direction of the efforts of Government towards providing the means of acquiring a very high degree of education for a small number of natives of India, drawn, for the most part, from what we should here call the higher classes.

40. It is well that every opportunity should have been given to those classes for the acquisition of a liberal European education, the effects of which may be expected slowly to pervade the rest of their fellow-countrymen, and to raise, in the end, the educational tone of the whole country. We are, therefore, far from under-rating the importance, or the success, of the efforts which have been made in this direction; but the higher classes are both able and willing in many cases to bear a considerable part at least of the cost of their education; and it is abundantly evident that, in some parts of India, no artificial stimulus is any longer required in order to create a demand for such an education as is conveyed in the Government anglo-

vernacular colleges. We have, by the establishment and support of these colleges, pointed out the manner in which a liberal education is to be obtained, and assisted them to a very considerable extent from the public funds. In addition to this, we are now prepared to give, by sanctioning the establishment of the universities, full development to the highest course of education to which the natives of India, or of any other country, can aspire; and besides, by the division of university degrees and distinctions into different branches, the exertions of highly educated men will be directed to the studies which are necessary to success in the various active professions of life. We shall, therefore, have done as much as a Government can do to place the benefits of education plainly and practically before the higher classes in India.

41. Our attention should now be directed to a consideration, if possible, still more important, and one which has been hitherto, we are bound to admit, too much neglected, namely, how useful and practical knowledge, suited to every station in life, may be best conveyed to the great mass of the people, who are utterly incapable of obtaining any education worthy of the name by their own unaided efforts, and we desire to see the active measures of Government more especially directed, for the future, to this object, for the attainment of which we are ready to sanction a considerable increase of expenditure.

42. Schools—whose object should be not to train highly a few youths, but to provide more opportunities than now exist for the acquisition of such an improved education as will make those who possess it more useful members of society in every condition of life—should exist in every district in India. These schools should be subject to constant and careful inspection; and their pupils might be encouraged by scholarships being instituted at other institutions which would be tenable as rewards for merit by the best of their number.

43. We include in this class of institutions those which, like the zillah schools of Bengal, the district Government anglo-vernacular schools of Bombay, and such as have been established by the Rajah of Burdwan and other native gentlemen in different parts of India, use the English language as the chief medium of instruction; as well as others of an inferior order, such as the tehseelee schools in the North-Western Provices, and the Government vernacular schools in the Bombay presidency, whose object is, however imperfectly it has been as yet carried out, to convey the highest class of instruction which can now be taught through the medium of the vernacular languages.

44. We include these anglo-vernacular and vernacular schools in the same class, because we are unwilling to maintain the broad line of separation which at present exists between schools in which the *media* for imparting instruction differ. The knowledge conveyed is, no doubt, at the present time, much higher in the anglo-vernacular than in the vernacular schools; but the difference will become less marked, and the latter more efficient, as the gradual enrichment of the vernacular languages in works of education allows their schemes of study to be enlarged, and as a more numerous class of school-masters is raised up, able to impart a superior education.

45. It is indispensible, in order fully and efficiently to carry out our

views as to these schools, that their masters should possess a knowledge of English in order to acquire, and of the vernaculars so as readily to convey, useful knowledge to their pupils; but we are aware that it is impossible to obtain at present the services of a sufficient number of persons so qualified, and that such a class must be gradually collected and trained in the manner to which we shall hereafter allude. In the meantime, you must make the best use which is possible of such instruments as are now at your command.

46. Lastly, what have been termed indigenous schools should, by wise encouragement, such as has been given under the system organized by Mr. Thomason in the North-Western Provinces, and which has been carried out in eight districts under the able direction of Mr. H. S. Reid in an eminently practical manner, and with great promise of satisfactory results, be made capable of imparting correct elementary knowledge to the great mass of the people. The most promising pupils of these schools might be rewarded by scholarships in places of education of a superior order.

47. Such a system as this, placed in all its degrees under efficient inspection, beginning with the humblest elementary instruction, and ending with the university test of a liberal education, the best students in each class of schools being encouraged by the aid afforded them towards obtaining a superior education as the reward of merit, by means of such a system of scholarships as we shall have to describe, would, we firmly believe, impart life and energy to education in India, and lead to a gradual, but steady extension of its benefits to all classes of the people.

48. When we consider the vast population of British India, and the sums which are now expended upon educational efforts, which, however successful in themselves, have reached but an insignificant number of those who are of a proper age to receive school instruction, we cannot but be impressed with the almost insuperable difficulties which would attend such an extension of the present system of education by means of colleges and schools entirely supported at the cost of Government, as might be hoped to supply, in any reasonable time, so gigantic a deficiency and to provide adequate means for setting on foot such a system as we have described and desire to see established.

49. Nor is it necessary that we should depend entirely upon the direct efforts of Government. We are glad to recognise an increased desire on the part of the native population not only in the neighbourhood of the great centres of European civilisation, but also, in remoter districts, for the means of obtaining a better education; and we have evidence in many instances of their readiness to give a practical proof of their anxiety in this respect by coming forward with liberal pecuniary contributions. Throughout all ages, learned Hindoos and Mahomedans have devoted themselves to teaching with little other remuneration than a bare subsistence; and munificent bequests have not unfrequently been made for the permanent endowment of educational institutions.

50. At the same time, in so far as the noble exertions of societies of Christians of all denominations to guide the natives of India in the way of religious truth, and to instruct uncivilised races, such as those found in Assam, in the Cossya, Garrow and Rajmehal Hills, and in various districts of Central and Southern India (who are in the lowest condition of

ignorance, and are either wholly without a religion, or are the slaves of a degrading and barbarous superstition), have been accompanied, in their educational establishments, by the diffusion of improved knowledge, they have largely contributed to the spread of that education which it is our object to promote.

51. The consideration of the impossibility of Government alone doing all that must be done in order to provide adequate means for the education of the natives of India, and of the ready assistance which may be derived from efforts which have hitherto received but little encouragement from the State, has led us to the natural conclusion that the most effectual method of providing for the wants of India in this respect will be to combine with the agency of the Government the aid which may be derived from the exertions and liberality of the educated and wealthy natives of India and of other benevolent persons.

52. We have, therefore, resolved to adopt in India the system of grants-in-aid which has been carried out in this country with very great success; and we confidently anticipate, by thus drawing support from local resources in addition to contributions from the State, a far more rapid progress of education than would follow a mere increase of expenditure by the Government; while it possesses the additional advantage of fostering a spirit of reliance upon local exertions and combination for local purposes, which is of itself of no mean importance to the well-being of a nation.

53. The system of grants-in-aid, which we propose to establish in India, will be based on an entire abstinence from interference with the religious instruction conveyed in the school assisted. Aid will be given (so far as the requirements of each particular district, as compared with others, and the funds at the disposal of Government, may render it possible) to all schools which impart a good secular education, provided that they are under adequate local management (by the term "local management" we understand one or more persons, such as private patrons, voluntary subscribers, or the trustees of endowments, who will undertake the general superintendence of the school, and be answerable for its permanence for some given time); and provided also that their managers consent that the schools shall be subject to Government inspection, and agree to any conditions which may be laid down for the regulation of such grants.

54. It has been found by experience, in this and in other countries, that not only is an entirely gratuitous education valued far less by those who receive it than one for which some payment, however small, is made, but that the payment induces a more regular attendance and greater exertion on the part of the pupils; and, for this reason, as well as because school fees themselves, insignificant as they may be in each individual instance, will in the aggregate, when applied to the support of a better class of masters, become of very considerable importance, we desire that grants-in-aid shall, as a general principle, be made to such schools only (with the exception of normal schools) as require some fee, however small, from their scholars.

55. Careful considerations will be required in framing rules for the administration of the grants; and the same course should be adopted in India which has been pursued with obvious advantage by the Committee of

Council here, namely, to appropriate the grants to *specific objects*, and not (except, perhaps, in the case of normal schools) to apply them in the form of simple contributions in aid of the general expenses of a school. The augmentation of the salaries of the head teachers, and the supply of junior teachers, will probably be found in India, as with us, to be the most important objects to which the grants can ordinarily be appropriated. The foundation, or assistance in the foundation, of scholarships for candidates from lower schools, will also be a proper object for the application of grants-in-aid. In some cases, again, assistance towards erecting or repairing a school, or the provision of an adequate supply of school-books, may be required; but the appropriation of the grant in each particular instance should be regulated by the peculiar circumstances of each school and district.

56. The amount and continuance of the assistance given will depend upon the periodical reports of inspectors, who will be selected with special reference to their possessing the confidence of the native communities. In their periodical inspections, *no notice whatsoever* should be taken by them of the religious doctrines which may be taught in any school; and their duty should be strictly confined to ascertaining whether the secular knowledge conveyed is such as to entitle it to consideration in the distribution of the sum which will be applied to grants-in-aid. They should also assist in the establishment of schools by their advice, wherever they may have opportunities of doing so.

57. We confide the practical adaptation of the general principles we have laid down as to grants-in-aid to your discretion, aided by the educational departments of the different presidencies. In carrying into effect our views, which apply alike to all schools and institutions, whether male or female, anglo-vernacular or vernacular, it is of the greatest importance that the conditions under which schools will be assisted should be clearly and publicly placed before the natives of India. For this purpose Government notifications should be drawn up and promulgated in the different vernacular languages. It may be advisable distinctly to assert in them the principle of perfect religious neutrality on which the grants will be awarded; and care should be taken to avoid holding out expectations which from any cause may be liable to disappointment.

58. There will be little difficulty in the application of this system of grants-in-aid to the higher order of places of instruction in India in which English is at present the medium of education.

59. Grants-in-aid will also at once give assistance to all such anglo-vernacular and vernacular schools as impart a good elementary education; but we fear that the number of this class of schools is at present inconsiderable, and that such as are in existence require great improvement.

60. A more minute and constant local supervision than would accompany the general system of grants-in-aid will be necessary in order to raise the character of the "indigenous schools," which are, at present, not only very inefficient in quality, but of exceedingly precarious duration, as is amply shown by the statistics collected by Mr. Adam in Bengal and Behar, and from the very important information we have received of late years from the North-Western Provinces. In organising such a system, we cannot do better than to refer you to the manner in which the operations of

Mr. Reid have been conducted in the North-Western Provinces, and to the instructions given by him to the zillah and pergunnah visitors, and contained in the appendix to his first report.

61. We desire to see local management under Government inspection and assisted by grants-in-aid taken advantage of wherever it is possible to do so, and that no Government colleges or schools shall be founded, for the future, in any district where a sufficient number of institutions exist, capable, with assistance from the State, of supplying the local demand for education; but, in order fully to carry out the views we have expressed with regard to the adequate provision of schools throughout the country, it will probably be necessary, for some years, to supply the wants of particular parts of India by the establishment, temporary support, and management of places of education of every class in districts where there is little or no prospect of adequate local efforts being made for this purpose, but where, nevertheless, they are urgently required.

62. We look forward to the time when any general system of education entirely provided by Government may be discontinued, with the gradual advance of the system of grants-in-aid, and when many of the existing Government institutions, especially those of the higher order, may be safely closed, or transferred to the management of local bodies under the control of, and aided by, the State. But it is far from our wish to check the spread of education in the slightest degree by the abandonment of a single school to probable decay; and we therefore entirely confide in your discretion, and in that of the different local authorities, while keeping this object steadily in view, to act with caution, and to be guided by special reference to the particular circumstances which affect the demand for education in different parts of India.

63. The system of free and stipendiary scholarships, to which we have already more than once referred as a connecting link between the different grades of educational institutions, will require some revision and extension in carrying out our enlarged educational plans. We wish to see the object proposed by Lord Auckland, in 1839, "of connecting the zillah schools with the central colleges by attaching to the latter scholarships to which the best scholars of the former might be eligible," more fully carried out; and also, as the measures we now propose assume an organised form, that the same system may be adopted with regard to schools of a lower description, and that the best pupils of the inferior schools shall be provided for by means of scholarships in schools of a higher order, so that superior talent in every class may receive that encouragement and development which it deserves. The amount of the stipendiary scholarships should be fixed at such a sum as may be considered sufficient for the maintenance of the holders of them at the colleges or schools to which they are attached, and which may often be at a distance from the home of the students. We think it desirable that this system of scholarships should be carried out, not only in connexion with those places of education which are under the immediate superintendence of the State, but in all educational institutions which will now be brought into our general system.

Minute, November 24th, 1839; paras. 32 and 33.

64. We are, at the same time, of opinion that the expenditure upon exist-

ing Government scholarships, other than those to which we have referred, which amounts to a considerable sum, should be gradually reduced, with the requisite regard for the claims of the present holders of them. The encouragement of young men of ability, but of slender means, to pursue their studies, is no doubt both useful and benevolent, and we have no wish to interfere with the private endowments which have been devoted to so laudable an object, or to withdraw the additions which may have been made by us to any such endowments. But the funds at the disposal of Government are limited, and we doubt the expediency of applying them to the encouragement of the acquisition of learning by means of stipends which not only far exceed the cost of the maintenance of the student, but in many cases are above what he could reasonably expect to gain on entering the public service, or any of the active professions of life.

65. We shall, however, offer encouragement to education which will tend to more practical results than those scholarships. By giving to persons who possess an aptness for teaching, as well as the requisite standard of acquirements, and who are willing to devote themselves to the profession of school-master, moderate monthly allowances for their support during the time which it may be requisite for them to pass in normal schools, or classes, in order to acquire the necessary training, we shall assist many deserving students to qualify themselves for a career of practical usefulness, and one which will secure them an honorable competence through life. We are also of opinion that admission to places of instruction, which, like the Medical and Engineering Colleges, are maintained by the State for the purpose of educating persons for special employment under Government, might be made the rewards of industry and ability, and thus supply a practical encouragement to general education, similar to that which will be afforded by the educational service.

66. The establishment of universities will offer considerable further inducements for the attainment of high proficiency, and thus supply the place of the present senior scholarships, with this additional advantage, that a greater number of subjects, in which distinction can be gained, will be offered to the choice of students than can be comprised in one uniform examination for a scholarship, and that their studies will thus be practically directed into channels which will aid them in the different professions of life which they may afterwards adopt.

67. In England, when systematic attempts began to be made for the improvement of education, one of the chief defects was found to be the insufficient number of qualified school-masters and the imperfect method of teaching which prevailed. This led to the foundation of normal and model schools for the training of masters, and the exemplification of the best methods for the organisation, discipline and instruction of elementary schools. This deficiency has been the more palpably felt in India, as the difficulty of finding persons properly educated for the work of tuition is greater; and we desire to see the establishment, with as little delay as possible, of training schools and classes for masters in each presidency in India. It will probably be found that some of the existing institutions may be adapted, wholly or partially, to this purpose, with less difficulty than would attend the establishment of entirely new schools.

68. We cannot do better than refer you to the plan which has been adopted in Great Britain for this object, and which appears to us to be capable of easy adaptation to India. It mainly consists, as you will perceive on reference to the minutes of the Committee of Council, copies of which we enclose, in the selection and stipend of pupil-teachers (awarding a small payment to the masters of the schools in which they are employed for their instruction out of school hours); their ultimate removal, if they prove worthy, to normal schools; the issue to them of certificates on the completion of their training in those normal schools; and in securing to them a sufficient salary when they are afterwards employed as school-masters. This system should be carried out in India, both in the Government colleges and schools, and, by means of grants-in-aid, in all institutions which are brought under Government inspection. The amount of the stipends to pupil-teachers and students at normal schools should be fixed with great care. The former should receive moderate allowances rather above the sums which they would earn if they left school, and the stipends to the latter should be regulated by the same principle which we have laid down with respect to scholarships.

69. You will be called upon, in carrying these measures into effect, to take into consideration the position and prospects of the numerous classes of natives of India who are ready to undertake the important duty of educating their fellow-countrymen. The late extension of the pension regulations of 1831 to the educational service may require to be adapted to the revised regulations in this respect; and our wish is that the profession of school-master may, for the future, afford inducements to the natives of India such as are held out in other branches of the public service. The provision of such a class of school-masters as we wish to see must be a work of time; and, in encouraging the "indigenous schools," our present aim should be to improve the teachers whom we find in possession, and to take care not to provoke the hostility of this class of persons, whose influence is so great over the minds of the lower classes by superseding them where it is possible to avoid it. They should, moreover, be encouraged to attend the normal schools and classes which may hereafter be instituted for this class of teachers.

70. Equal in importance to the training of school-masters is the provision of vernacular school-books, which shall provide European information to be the object of study in the lower classes of schools. Something has, no doubt, been done of late years towards this end, but more still remains to be done; and we believe that deficiencies might be readily and speedily supplied by the adoption of a course recommended by Mr. M. Elphinstone in 1825, namely—"That the best translations of particular books, or the best elementary treatises in specified languages, should be advertised for and liberally rewarded."

71. The aim should be, in compilations and origin compositions (to quote from one of Mr. Adam's valuable reports upon the state of education in Bengal), "not to translate European works into the words and idioms of the native languages, but so to combine the substance of European knowledge with native forms of thought and sentiment as to render the school-books useful and attractive." We also refer with pleasure upon this point

Report, 1850-51, paras. 298-308.

to some valuable observations by Mr. Reid, in his report which we have quoted before, more especially as regards instruction in geography. It is obvious that the local peculiarities of different parts of India render it necessary that the class-books in each should be especially adapted to the feelings, sympathies and history of the people ; and we will only further remark upon this subject that the Oriental Colleges, besides generally tending, as we have before observed, to the enrichment of the vernacular languages, may, we think, be made of great use in the translation of scientific works into those languages, as has already been done to some extent in the Delhi, Benares and Poonah Colleges.

72. We have always been of opinion that the spread on education in India will produce a greater efficiency in all branches of administration by enabling you to obtain the services of intelligent and trust-worthy persons in every department of Government ; and, on the other hand, we believe that the numerous vacancies of different kinds which have constantly to be filled up, may afford a great stimulus to education. The first object must be to select persons properly qualified to fill these situations ; secondary to this is the consideration how far they may be so distributed as to encourage popular education.

73. The resolutions of our Governor General in Council of the 10th of October 1844 gave a general preference to well-educated over uneducated men in the admissions to the public service. We perceive with much satisfaction from returns which we have recently received of the persons appointed since that year in the Revenue Department of Bengal, as well as from the educational reports from different parts of India, that a very considerable number of educated men have been employed under Government of late years ; and we understand that it is often not so much the want of Government employment as the want of properly qualified persons to be employed by Government, which is felt at the present time, in many parts of India.

74. We shall not enter upon the causes which, as we foresaw, have led to the failure of that part of the resolutions which provided for the annual submission to Government of lists of meritorious students. It is sufficient for our present purpose to observe that no more than 46 persons have been gazetted in Bengal up to this time, all of whom were students in the Government colleges. In the last year for which we have returns (1852), only two persons were so distinguished ; and we can readily believe, with the Secretary to the Board of Revenue in Bengal, that young men, who have passed a difficult examination in the highest branches of philosophy and mathemetics, are naturally disinclined to accept such employment as persons who intend to make the public service their profession must necessarily commence with.

Letter of 6th April 1852, with returns in Revenue Department, Bengal.

75. The necessity for any such lists will be done away with by the establishment of universities, as the acquisition of a degree, and still more the attainment of university distinctions, will bring highly educated young men under the notice of Government. The resolutions in question will, therefore, require revisions so as to adapt them practically to carry out our

views upon this subject. What we desire is that, where the other qualifications of the candidates for appointments under Government are equal, a person who has received a good education irrespective of the place or manner in which it may have been acquired, should be preferred to one who has not; and that, even in lower situations, a man who can read and write be preferred to one who cannot, if he is equally eligible in other respects.

76. We also approve of the institution of examinations where practicable, to be simply and entirely tests of the fitness of candidates for the special duties of the various departments in which they are seeking employment, as has been the case in the Bombay presidency. We confidently commit the encouragement of educated, in preference to uneducated, men to the different officers who are responsible for their selection; and we cannot interfere by any further regulations to fetter their free choice in a matter of which they bear the sole responsibility.

77. We are sanguine enough to believe that some effect has already been produced by the improved education of the public service of India. The ability and integrity of a large and increasing number of the native judges, to whom the greater part of the civil jurisdiction in India is now committed, and the high estimation in which many among them are held by their fellow-countrymen, is, in our opinion, much to be attributed to the progress of education among these officers, and to their adoption along with it of that high moral tone which pervades the general literature of Europe. Nor is it among the higher officers along that we have direct evidence of the advantage which the public derives from the employment of educated men. We quote from the last report of the Dacca College with particular satisfaction, as we are aware that much of the happiness of the people of India depends upon the honesty of the officers of Police :—"The best possible evidence has been furnished," say the local committee, "that some of the ex-students of the College of Dacca have completely succeeded in the arduous office of darogah." Krishna Chunder Dutt, employed as a darogah under the Magistrate of Howrah, in particular, is recommended for promotion, as having gained the respect and applause of all classes, who, though they may not practise, yet know how to admire, real honesty and integrity of purpose.

Report on Public Instruction, Bengal, 1851-52, page 72.

78. But however large the number of appointments under Government may be, the views of the natives of India should be directed to the far wider and more important sphere of usefulness and advantage which a liberal education lays open to them; and such practical benefits arising from improved knowledge should be constantly impressed upon them by those who know their feelings and have influence or authority to advice or direct their efforts. We refer, as an example in this respect, with mingled pleasure and regret, to the eloquent addresses delivered by the late Mr. Bethune, when President of the Council of Education, to the students of the Kishnaghur and Dacca Colleges.

79. There are some other points connected with the general subject of Education in India upon which we will now briefly remark. We have always regarded with special interest those educational institutions which have been directed towards training up the natives of India to particular professions, both with a view to their useful employment in the public

service, and to enable them to pursue active and profitable occupations in life. The medical colleges in different parts of India have proved that, in despite of difficulties which appeared at first sight to be insurmountable, the highest attainments in medicine and surgery are within the reach of educated natives of India: we shall be ready to aid in the establishment and support of such places of instruction as the medical colleges of Calcutta and Bombay in other parts of India. We have already alluded to the manner in which students should be supplied to these colleges, as well as to those for the training of civil engineers.

80. The success of the Thomason College of Civil Engineering at Roorkee has shown that, for the purpose of training up persons capable of carrying out the great works which are in progress under Government throughout India, and to qualify the natives of India for the exercise of a profession which, now that the system of railways and public works is being rapidly extended, will afford an opening for a very large number of persons, it is expedient that similar places for practical instruction in civil engineering should be established in other parts of India, and especially in the presidency of Madras, where works of irrigation are so essential, not only to the prosperity of the country, but to the very existence of the people in times of drought and scarcity. The subject has been prominently brought under your notice in the recent reports of the Public Works Commissioners for the different presidencies, and we trust that immediate measures will be taken to supply a deficiency which is, at present, but too apparent.

81. We may notice, in connexion with these two classes of institutions of an essentially practical character, the schools of industry and design, which have been set on foot from time to time in different parts of India. We have lately received a very encouraging report of that established by Dr. Hunter in Madras, and we have also been informed that Sir Jamsetjee Jeejeebhoy, with his accustomed munificence, has offered to lay out a very considerable sum upon a like school in Bombay. Such institutions as these will, in the end, be self-supporting; but we are ready to assist in their establishment by grants-in-aid for the supply of models, and other assistance which they may advantageously derive from the increased attention which has been paid of late years to such subjects in this country. We enclose you the copy of a report which we have received from Mr. Redgrave upon the progress of the Madras school, which may prove of great value in guiding the efforts of the promoters of any similar institutions which may hereafter be established in India. We have also perceived with satisfaction that the attention of the Council of Education in Calcutta has been lately directed to the subject of attaching to each zillah school the means of teaching practical agriculture; for there is, as Dr. Mouat most truly observes, "no single advantage that could be afforded to the vast rural population of India that would equal the introduction of an improved system of agriculture."

Report on Public Instruction, Bengal, 1851-52, Appendix page clxxi.

82. The increasing desire of the Mahomedan population to acquire European knowledge has given us much satisfaction. We perceive that the Council of Education of Bengal has this subject under consideration, and we shall receive with favor any proposition which may appear to you

to be likely to supply the wants of so large a portion of the natives of India.

83. The importance of female education in India cannot be overrated; and we have observed with pleasure the evidence which is now afforded of an increased desire on the part of many of the natives of India to give a good education to their daughters. By this means a far greater proportional impulse is imparted to the educational and moral tone of the people than by the education of men. We have already observed that schools for females are included among those to which grants-in-aid may be given; and we cannot refrain from expressing our cordial sympathy with the efforts which are being made in this direction. Our Governor General in Council has declared, in a communication to the Government of Bengal, that the Government ought to give to native female education in India its frank and cordial support; in this we heartily concur, and we especially approve of the bestowal of marks of honor upon such native gentlemen as Rao Bahadur Maganbhai Karramchand, who devoted Rs. 20,000 to the foundation of two native female schools in Ahmedabad, as by such means our desire for the extension of female education becomes generally known.

Report on Public Instruction, Bengal, 1849-50, page 2.

84. Considerable misapprehension appears to exist as to our views with respect to religious instruction in the Government institutions. Those institutions were founded for the benefit of the whole population of India; and, in order to effect their object, it was, and is, indispensible that the education conveyed in them should be exclusively secular. The Bible is, we understand, placed in the libraries of the colleges and schools, and the pupils are able freely to consult it. This is as it should be; and, moreover, we have no desire to prevent, or discourage, any explanations which the pupils may, of their own free will, ask from the masters upon the subject of the Christian religion, provided that such information be given out of school hours. Such instruction being entirely voluntary on both sides, it is necessary, in order to prevent the slightest suspicion of an intention on our part to make use of the influence of Government for the purpose of proselytism, that no notice shall be taken of it by the inspectors in their periodical visits.

85. Having now finished the sketch that we proposed to give of the scheme for the encouragement of education in India, which we desire to see gradually brought into operation, we proceed to make some observations upon the state of education in the several presidencies, and to point out the parts of our general plan which are most deficient in each.

86. In Bengal, education, through the medium of the English language, has arrived at a higher point than in any other part of India. We are glad to receive constant evidence of an increasing demand for such an education, and of the readiness of the natives of different districts to exert themselves for the sake of obtaining it. There are now five Government anglo-vernacular colleges; and zillah schools have been established in nearly every district. We confidently expect that the introduction of the system of grants-in-aid will very largely increase the number of schools of a superior order; and we hope that, before long, sufficient provision may be found to exist in many parts of the country for the education of the middle

and higher classes, independent of the Government institutions, which may then be closed, as has been already the case in Burdwan, in consequence of the enlightened conduct of the Rajah of Burdwan, or they may be transferred to local management.

87. Very little has, however, been hitherto done in Bengal for the education of the mass of the people, especially for their instruction through the medium of the vernacular languages. A few vernacular schools were founded by Government in 1844, of which only 33 now remain, with 1,400 pupils, and, upon their transfer in April 1852, from the charge of the Board of Revenue to that of the Council of Education, it appeared that "they were in a languishing state and had not fulfilled the expectations formed on their establishment."

88. We have perused, with considerable interest, the Report of Mr. Robinson, Inspector of the Assam schools, of which there appear to be 74, with upwards of 3,000 pupils. Mr. Robinson's suggestions for the improvement of the system under which they are managed appear to us to be worthy of consideration, and to approach very nearly to the principle upon which vernacular education has been encouraged in the North-Western Provinces. We shall be prepared to sanction such measures as you may approve of to carry out Mr. Robinson's views.

89. But the attention of the Government of Bengal should be seriously directed to the consideration of some plan for the encouragement of indigenous schools and for the education of the lower classes, which, like that of Mr. Thomason in the North-Western Provinces, may bring the benefits of education practically before them, and assist and direct their efforts. We are aware that the object held out by the Government of Agra to induce the agricultural classes to improve their education does not exist in Bengal; but we cannot doubt that there may be found other similar solid advantages attending elementary knowledge, which can be plainly and practically made apparent to the understandings and interests of the lower classes of Bengal.

90. We perceive that the scheme of study pursued in the Oriental Colleges of Bengal is under the consideration of the Council of Education, and it appears that they are in an unsatisfactory condition. We have already sufficiently indicated our views as to those colleges, and we should be glad to see them placed upon such a footing as may make them of greater practical utility. The points which you have referred to us, in your letter of the 5th of May, relative to the establishment of a Presidency College in Calcutta, will form the subject of a separate communication.

91. In the North-Western Provinces the demand for education is so limited by circumstances fully detailed by the Lieutenant Governor in one of his early reports, that it will probably be long before private efforts will become energetic enough to supply the place of the establishment, support and management by Government, of places of instruction of the highest grade, where there may be a sufficient reason for their institution.

92. At the same time, the system for the promotion of general education throughout the country, by means of the inspection and encouragement of indigenous schools, has laid the foundation of a great advancement in the education of the lower classes. Mr. Thomason ascertained, from statistical

information, the lamentable state of ignorance in which the people were sunk, while the registration of land, which is necessary under the revenue settlement of the North-Western Provinces, appeared to him to offer the stimulus of a direct interest for the acquisition of so much knowledge, at least of reading and writing, of the simple rules of arithmetic, and of land measurement, as would enable each man to look after his own rights.

93. He, therefore, organised a system of encouragement of indigenous schools, by means of a constant inspection by zillah and pergunnah visitors, under the superintendence of a visitor-general; while, at the head quarters of each tehsildar, a school was established for the purpose of teaching "reading and writing the vernacular languages, both Urdu and Hindi accounts, and the mensuration of land." A school house is provided by Government, and the masters of the tehsili schools receive a small salary, and are further entitled to the tuition fees paid by the pupils, of whom none are educated gratuitously, except "on recommendation given by village schoolmasters who may be on the visitor's list." A certain sum is annually allotted to each zillah for the reward of deserving teachers and scholars; and the attention of the visitor-general was expressly directed to the preparation of elementary school books in the vernacular language, which are sold through the agency of the zillah and the pergunnah visitors. We shall be prepared to sanction the gradual extension of some such system as this to the other districts of the Agra presidency, and we have already referred to it as the model by which the efforts of other presidencies for the same object should be guided.

94. In the presidency of Bombay the character of the education conveyed in the anglo-vernacular colleges is almost, if not quite, equal to that in Bengal; and the Elphinstone Institution is an instance of a college conducted in the main upon the principle of grants-in-aid, which we desire to see more extensively carried out. Considerable attention has also been paid in Bombay to education through the medium of the vernacular languages. It appears that 216 vernacular schools are under the management of the Board of Education, and that the number of pupils attending them is more than 12,000. There are three inspectors of the district schools, one of whom (Mahadeo Govind Shastri) is a native of India. The schools are reported to be improving, and masters trained in the Government colleges have been recently appointed to some of them with the happiest effects. These results are very creditable to the presidency of Bombay; and we trust that each Government school will now be made a centre from which the indigenous schools of the adjacent districts may be inspected and encouraged.

95. As the new revenue settlement is extended in the Bombay presidency, there will, we apprehend, be found an inducement precisely similar to that which has been taken advantage of by Mr. Thomason, to make it the interest of the agricultural classes to acquire so much knowledge as will enable them to check the returns of the village accountants. We have learnt with satisfaction that the subject of gradually making some educational qualification necessary to the confirmation these hereditary officers is under the consideration of the Government of Bombay, and that a practical educational test is now insisted upon for persons employed in many offices under Government.

96. In Madras, where little has yet been done by Government to promote the education of the mass of the people, we can only remark with satisfaction that the educational efforts of Christian missionaries have been more successful among the Tamil population than in any other part of India; and that the presidency of Madras offers a fair field for the adoption of our scheme of education in its integrity, by founding Government anglo-vernacular institutions only where no such places of instruction at present exist, which might, by grants-in-aid and other assistance, adequately supply the educational wants of the people. We also perceive with satisfaction that Mr. Daniel Elliot, in a recent and most able minute upon the subject of education, has stated that Mr. Thomason's plan for the encouragement of indigenous schools might readily be introduced into the Madras presidency, where the riotwari settlement offers a similar practical inducement to the people for the acquisition of elementary knowledge.

97. We have now concluded the observations which we think it is necessary to address to you upon the subject of the education of the natives of India. We have declared that our object is to extend European knowledge throughout all classes of the people. We have shown that this object must be effected by means of the English language in the higher branches of instruction, and by that of the vernacular languages of India to the great mass of the people. We have directed such a system of general superintendence and inspection by Government to be established as will, if properly carried out, give efficiency and uniformity to your efforts. We propose by the institution of universities to provide the highest test and encouragement of a liberal education. By sanctioning grants-in-aid of private efforts, we hope to call to the assistance of Government private exertions and private liberality. The higher classes will now be gradually called upon to depend more upon themselves; and your attention has been more especially directed to the education of the middle and lower classes, both by the establishment of fitting schools for this purpose, and by means of a careful encouragement of the native schools which exist, and have existed from time immemorial, in every village, and none of which perhaps cannot, in some degree, be made available to the end we have in view. We have noticed some particular points connected with education, and we have reviewed the condition of the different presidencies in this respect, with a desire to point out what should be imitated, and what is wanting, in each.

98. We have only to add, in conclusion, that we commit this subject to you with a sincere belief that you will cordially co-operate with us in endeavouring to effect the great object we have in hand, and that we desire it should be authoritatively communicated to the principal officers of every district in India, that henceforth they are to consider it to be an important part of their duty, not only in that social intercourse with the natives of India, which we always learn with pleasure that they maintain, but also with all the influence of their high position, to aid in the extension of education, and to support the inspectors of schools by every means in their power.

99. We believe that the measures we have determined upon are calculated to extend the benefits of education throughout India; but, at the same time, we must add that we are not sanguine enough to expect any

sudden, or even speedy, results to follow from their adoption. To imbue a vast and ignorant population with a general desire for knowledge, and to take advantage of that desire when excited to improve the means for diffusing education amongst them, must be a work of many years; which, by the blessing of Divine Providence, may largely conduce to the moral and intellectual improvement of the mass of the natives of India.

100. As a Government, we can do no more than direct the efforts of the people, and aid them wherever they appear to require most assistance. The result depends more upon them than upon us; and although we are fully aware that the measures we have now adopted will involve in the end a much larger expenditure upon education from the revenues of India, or, in other words, from the taxation of the people of India, than is at present so applied, we are convinced, with Sir Thomas Munro, in words used many years since, that any expense which may be incurred for this object "will be amply re-paid by the improvement of the country; for the general diffusion of knowledge is inseparably followed by more orderly habits, by increasing industry, by a taste for the comforts of life, by exertion to acquire them, and by the growing prosperity of the people."

EDUCATION COMMISSION, BOMBAY.

EVIDENCE OF

MR. WORDSWORTH, B.A., C.I.E.,

PRINCIPAL, ELPHINSTONE COLLEGE, BOMBAY.

Ques. 1.—Please state what opportunities you have had of forming an opinion on the subject of education in India, and in what province your experience has been gained.

Ans. 1.—I have been a member of the Bombay Education Department for rather more than twenty years. My experience has been gained exclusively in the Bombay Presidency, and that experience does not extend to questions which lie outside the circle of collegiate and academical education. On some of these questions I have, of course, my own opinions or impressions, but not that kind of knowledge which would justify me in obtruding my opinion on the Commission. On these questions, therefore, I shall say little or nothing. Since 1862 I have held the office of College Principal in Poona or Bombay, and for some years, as a member of the Syndicate, I have had some share in the administration of the University. But I have no direct knowledge of the aided Government colleges, and can only, therefore, speak with hesitation about these. I have carefully read the interesting and able evidence of Mr. Mackichan, and I should like to say that if I appear to controvert rather too openly some of his opinions, it is simply from the feeling that the Commission would like to hear how some of the statements which he puts forward with so much confidence strike one whose experience has been gathered in another field of educational effort.

Ques. 5.—What opinion does your experience lead you to hold of the extent and value of home instruction? How far is a boy educated at home able to compete on equal terms, at examinations qualifying for the public service, with boys educated at school?

Ans. 5.—There are very few cases of young men in our colleges who have received their education at home. The class which could afford to give their sons such an education is not a numerous one, and is not very strongly represented in Elphinstone College. Such an education may be thoroughly successful when *both* parents have and adequate appreciation of the value of education, and the paramount importance of habits of steady application. But rich people in this country have, at present, I fear, only an imperfect apprehension of the importance of these objects. It is for this reason that instituations like the Rajkoomar College at Rajkot are so important and valuable..

Ques. 15.—Do you know of any instances in which Government educational institutions of the higher order have been closed or transferred to the management of local bodies, as contemplated in paragraph 62 of the despatch of 1854? and what do you regard as the chief reasons why more effect has not been given to that provision.

Ans. 15.—The paragraph referred to in the despatch of 1854 speaks (1) of the time when any "general system of education *entirely provided by the Government* may be discontinued," and (2) when "many of the existing Government institutions, especially those of the higher order, may be safely closed, or transferred to the management of local bodies under the control of, and aided by, the State." But there are no institutions of higher education in this Presidency which are entirely provided by the Government. The two colleges with which I am best acquainted possess considerable revenues derived from private munificence, and they owe their handsome and convenient buildings in part at least to the same source. Both of them are, it is true, largely assisted by Government; and it is, of course, within the competence of Government to withdraw or reduce that assistance if it thinks fit. If this has not been done, I can only conjecture that those who have been responsible for the government of this Presidency have not judged that it would be just or expedient to do so; and with this judgment I am disposed to agree. It is difficult, I think, to argue seriously that the necessities of primary education in the Bombay Presidency are so urgent that they require the sacrifice of the very moderate sum which is now annually devoted to the support of the two Arts Colleges. The people of this country would never, I am sure, be persuaded that that argument was a sincere one. They regard the expenditure on higher education as a convincing proof that the English Government is sincere in its professions that it wishes its Indian subjects to enjoy all the advantages that Englishmen enjoy. Among those advantages are the very general facilities for education which the wise liberality of kings and ecclesiastics and wealthy citizens in former ages provided for the English middle and upper classes, and which all enlightened Governments now provide from the general revenues of a country when endowments are found to be insufficient. The endowments available in this country are at present insufficient for the support of higher education, and if the assistance of Government should be now withdrawn, it would be universally interpreted as a breach of faith and described as a great practical wrong. The sacrifices which Hindu parents make for the education of their children are very considerable; any increase in the cost of education at the time when its advantages are beginning to be understood would be felt to be a great hardship.

Ques. 16.—Do you know of any cases in which Government institutions of the higher order might be closed or transferred to private bodies, with or without aid, without injury to education or to any interests which it is the duty of Government to protect?

Ans. 16.—I have partly anticipated my answer to this question in what has been said above. Probably if Government aid was withdrawn in its present shape from Elphinstone College, the deficiency would ultimately be made good from private resources. But I am sure that the economical advantages would be outweighed by the mistrust and resentment which such a step would provoke. The sum saved would not furnish any considerable assistance to primary education, and it would be difficult to get people to believe that anxiety for the spread of popular education was the real motive for the change in the policy of Government.

Poona is a city which, within the memory of living persons, was the capital of a State which held a high position in India. It is not now a wealthy city, but it has a large population and popular leaders of great intelligence and energy. The cost of the Deccan College to the State is about Rs. 50,000—a sum, I suppose, about equal to the salary of a single member of Council. If any one maintains that this is an extravagant sum to be devoted by the State to providing the opportunities of European education to a poor but intelligent class in a city where the highest offices of Government were once open to members of their caste, I must express my respectful dissent from that opinion. I think that the withdrawal of the grant to Deccan College would be impolitic and unjust, and would provoke legitimate discontent.

Ques. 17.—In the province with which you are acquainted, are any gentlemen able and ready to come forward and aid, even more extensively than heretofore, in the establishment of schools and colleges upon the grant-in-aid system?

Ans. 17.—I think that an appreciation of the value of education is beginning to be widely diffused among all classes in this country, but it would be impolitic on that ground to impose obligations which would be felt as a burden, or to expect an amount of co-operation which is hardly forthcoming in England. The large resources available for secondary education in England have been often miserably misused, and the apathy of those whose interests were so shamefully sacrificed has been at least as remarkable as the abuse. The Universities have also required the stimulus of Government inquiry and rebuke. I do not think that the establishment and control of schools and colleges can properly be left at present to private persons in India. In France or Germany such a proposal would be understood to mean that the Government preferred ignorance to knowledge. The place left vacant by Government would in actual fact be occupied in this country by those powerful religious bodies whose primary objects are rather religious conversion than intellectual improvement,—a result which might at no remote time be attended with political inconvenience and danger.

Ques. 20.—How far is the whole educational system, as at present administered, one of practical neutrality, *i.e*, one in which a school or a college has no advantage or disadvantage as regards Government aid and inspection from any religious principles that are taught or not taught in it?

Ans. 20.—I conceive that religious neutrality is maintained, or very nearly maintained, in the present dealings of the State with education, so far in short as neutrality is really possible. The schools and colleges supported or assisted by Government are open to persons of all creeds. No one is excluded from them by the fact of his professing any particular religion, and no one, so far as I know, has ever complained that his religious convictions and sensibilities have been wounded or outraged in any Government institution. The existing system is one which unquestionably possesses the confidence of the people.

The Muhammadan body attaches great importance, I believe, to the study of their sacred books, and holds aloof from a system in which the Koran forms no part of school instruction. Accordingly, some provision has recently been made in Bombay to assist Muhammadan schools in which the Koran is taught, and from which, I suppose, non-Muhammadans are practically excluded. There are sufficient reasons, I suppose, for this slight deviation from the general principles on which Government acts.

It is, I admit, possible that Educational officers may sometimes have dealt rather hardly, or spoken harshly, of what the late Mr. Howard once described as "proselytising schools." But I cannot believe that unfriendly sentiments are now at all common, or that these schools are treated unfairly, for the simple reason that they devote a portion of their day to introducing their pupils to a knowledge of Christian dogma and the Jewish and Christian scriptures. It is not disputed that Hindu and Parsi boys have no objection to listen to an exposition of the tenets of Christians, and as few conversions, if any, follow from this method of propagating Christian truth, there seems to be no alarm felt by the parents of the pupils. Whether these schools and colleges suffer any injustice from the mode in which grants-in-aid are made for the secular instruction they impart, is a question on which I do not feel confident to express an opinion. Speaking as Principal of a college which is under the direct control of Government, I would observe that I should wish the aided colleges to be as efficient as possible, and their professors to be actively associated in University business with the educational servants of Government. The existence of independent colleges, the friendly rivals of the institutions supported by Government, is a valuable element in our educational system.

But I cannot for one moment admit that neutrality is violated by the mere existence of Government institutions from which religious teaching is expressly excluded. In a country so divided in religious belief, what other course is possible, unless the State, in obedience to the dogmatic sensibilities of the competing sects, is to abandon its direct educational activity altogether? The mere statement of this sectarian claim in a country like India, where education is so much needed, must shock every impartial mind: and the matter becomes more serious when it is recollected that claim is put forward, not as in England by a portion of the population in behalf of a religion which nearly all Englishmen profess, but by strangers whose primary object is to detach the people of the country from their hereditary faiths. No one disputes that religious instruction may be fitly and profitably introduced into schools and colleges when the population is united in religious belief, and the teachers have a living faith in the doctrines which they are employed to teach. But these conditions, if they exist anywhere, certainly do not exist in India. "I admit," said Sir Robert Peel in 1845 in the debate on the third reading of the Bill for Irish colleges, "that secular instruction is imperfect unless accompanied by religious instruction as its basis, but I have thought (it may be erroneously) that the best way of providing that religious instruction, when there is so much jealousy of interference, is to give every facility, and call on parents interested in the moral culture of their children to provide the means, and to call on the respective churches to give their aid in providing that education. At any rate, the *principle of perfect equality has been preserved,* and I must say that it has been preserved for the first time." To this view of religious equality which was accepted by moderate and sensible men of both parties, it seems to me that no exception can be made: it is that principle to which the Government of India is committed, and from which, I hope, it will never recede.

Ques. 21.—What classes principally avail themselves of Government or aided schools and colleges for the education of their children? How far is the complaint well founded that the wealthy classes do not pay enough for such education? What is the rate of fees payable for higher education in your province, and do you consider it adequate?

Ans. 21.—Considerable confusion is, I believe, created by a misleading use in this country of the term "upper classes." The upper classes of this country do not exactly correspond with the upper classes of England. The Brahmins are an upper class, so far as they enjoy, for special reasons, the veneration of the people and the influence which arises from that veneration. But they have not the influence which springs from wealth. They are generally poor, and they undoubtedly possess great intellectual aptitudes. In a country without educational endowments and without any aid extended by Government to higher education, they would to a great extent be excluded from the benefits of education, and condemned to ignorance. For many reasons such a result would be disastrous; although there are persons, I am aware, who would contemplate such a result with equanimity, or rather with positive pleasure.

The classes which principally avail themselves of Government or aided schools and colleges for the education of their children, are the official, the mercantile, and professional classes. There are very few scholars who can be described as the sons of wealthy persons, or whose parents could afford to pay more than they do for the education of their children. I believe that many parents make great sacrifices for the education of their children. The fees paid for attendance on lectures at Elphinstone College amount to Rs. 60 a term. I have a nephew who is a member of the Prussian University of Bonn. He is attending 18 lectures weekly this term, and he writes to me that his fees amount to Rs. 70 marks for this term, which one may estimate at 35 Rupees. Most of the lectures he attends are gratuitous. The fees he is now paying are for lectures in law and Italian literature, which are really extras. I fancy that the son of a small official or merchant in Germany enjoys the advantages of academical education at a much cheaper rate than the Hindu or Parsi in Bombay does, and has also, I must regretfully admit, a much superior article for his money. But it is not considered in Germany an injury to the rest of the community, or a religious injustice, that a superior education should be available at the public cost to the middle classes on whom the stability and improvement of every modern State principally depends. The University of Bonn was established in 1815, in order that the inhabitants of the Rhine provinces, which at that time were ceded to Prussia, might enjoy the same advantages which the famous University of Berlin conferred on the older provinces of the Kingdom.

I consider that the rate of fees is quite adequate, and that any increase would be felt as a great hardship. The fees in the Missionary colleges are, I understand, slightly lower than those in the Government colleges. The teachers in these institutions are also content with a smaller remuneration. The zealous Jesuit Missionary is content with food and raiment and the occasional luxury of a few cheap cigars. The Missionaries of the Scottish churches do not, I believe, expect a higher remuneration than they would command as chaplains. They are inspired by the zeal of conversion, and in many cases, I do not doubt, bring to their work acquisitions and talents which would command a much higher remuneration in the open market.

Ques. 22.—Can you adduce any instance of a proprietary school or college supported entirely by fees?

Ans. 22.—I should doubt whether any proprietary school or college in this Presidency was supported *entirely* by fees. The institutions in Poona, which have been referred to, receive, I suppose, some aid in the shape of subscription or gratuitous assistance in teaching from their well-wishers.

Ques. 23.—Is it in your opinion possible for a non-Government institution of the higher order to become influential and stable when in direct competition with a similar Government institution? If so, under what conditions do you consider that it might become so?

Ans. 23.—I am informed that non-Government institutions in Madras and Calcutta are not only influential and stable when in direct competition with similar Government institutions, but that they claim to rival or, perhaps, surpass them in efficiency and success. I do not see why this should not sometimes be the case, so long as funds are forthcoming for their support. In France, till the recent changes, the colleges supported by the religious orders were often remarkably successful in public competitive examinations, like those for admittance into the Polytechnic School. Judged by University tests the aided colleges in this city do not appear to hold so high a position as those of Calcutta or Madras. I do not know how far the commencements and former history of these institutions afford an explanation of this difference.

Ques. 24.—Is the cause of higher education in your province injured by any unhealthy competition; and if so, what remedy, if any, would you apply?

Ans. 24.—I do not think that the cause of higher education is injured by unhealthy competition. I rather wish that there was more competition.

Ques. 25.—Do educated Natives in your province readily find remunerative employment?

Ans. 25.—I think that educated Natives have not much difficulty in finding employment which may fairly be described as remunerative. By educated Natives I must be understood to mean those who have completed their University course. Those who from poverty or ill-success in the examination leave college before their education is completed, do not easily find employment. But this is the case in all countries with which I am acquainted.

Ques. 29.—What system prevails in your province with reference to scholarships; and have you any remarks to make on the subject? Is the scholarship system impartially administered as between Government and aided schools?

Ans. 29.—I think that it would be more fair if the money which the Government devotes to college scholarships were open to general competition, or given away in connection with the University examinations. The successful candidates should have the choice of joining any college for which they felt a preference. This is a point on which I can understand that the aided colleges may feel that they are not quite fairly treated.

Ques. 36.—In a complete scheme of education for India, what parts can, in your opinion, be most effectively taken by the State and by other agencies?

Ans. 36.—I quite agree with those witnesses who have recorded their opinion that in a complete scheme of education for India the help of voluntary agencies, secular and religious, is now, and must always probably be, indispensable. I am no advocate for a uniform State education of the Napoleonic type, without variety or spontaneous life. But, as I hold strongly that the English Government in India would commit a political mistake by now withdrawing the direct support which it gives to higher education, and probably at the same time impede the growth and impair the quality of that education, I shall venture to take this opportunity of expressing very fully and candidly my own judgments, or prejudices as some may choose to call them, on these two points.

In a country so intellectually backward as India, it is not open to dispute that education deprived of State support and control would make very slow progress. No one, I believe, disputes this in the case of primary education. The poorest and most helpless portion of the community has certainly the strongest claim for aid from the State—a claim which may further be defended on economical grounds not less strong than those moral ones which all uncorrupted minds acknowledge.

It is urged, however, that secondary and higher education should now be left to the natural laws of supply and demand. The author of the *Wealth of Nations*, as is well known, advocated this view in the last quarter of the last century. His authority has not, however, prevailed to secure any wide acceptance for so extreme a doctrine. The application of this doctrine to India would certainly be premature, and, as I believe, also dangerous.

There are many persons, I am aware, who entertain a contrary opinion. They think that the diffusion of education among the middle and upper classes of India means the diffusion of political discontent. They detect overt treason in all criticism of the acts of Government.

They compare the decorous and submissive bearing of the older class of Native officials with the independence of younger men, and bewail the insane imprudence of a Government which is steadily undermining the foundations of its own power. These opinions are not confined to stupid and unfeeling persons, although they find in that class their most uncompromising advocates. They are also held by able and zealous men who sincerely desire the happiness of the Indian people. These persons are deeply penetrated with the Napoleonic maxim of "*Every thing for the people, and nothing by the people.*" That history has set the seal of its condemnation on this doctrine in every land where it has been fairly tried, is a consideration which they put aside with optimistic indifference.

I believe that these persons are quite right from their own point of view. If the hapiness of India depends on the permanent supremacy of a foreign bureaucracy, it is surely a sagacious policy to maintain as wide a chasm as possible between the rulers and the ruled. Machiavelli would never have counselled his Prince to put arms in the hands of his conquered subjects. But intellectual and moral education in the modern world, where public opinion is always in the end more powerful than bayonets, is the most powerful of all arms. An educated people will never submit to have no lot or part in the government of their own country. The diffusion of education in India is, therefore, only intelligible and defensible if the foreign rulers are prepared to admit their subjects to a large and increasing share in the government of the country. To many Englishmen in India this idea is simply intolerable. Their imperial pride is outraged by the mere suggestion of such a policy. Like their ancestors in the days of George III and Lord North, they are determined to maintain their plenary authority unimpaired, and to govern their subjects according to their own conceptions of what is right and expedient. But these ideas are not, I rejoice to think, the ideas which will permanently determine the policy of the English nation towards India. The classes with whom political power now rests have taken too deeply to heart the lesson which our former dealings with America and Ireland have engraved upon their conscience and understanding.

The conviction that no power can be permanent, and that no power is worth possessing which does not rest on the sympathy and willing support of the people, is one from which the English nation is not now likely to recede. It cannot, therefore, be a matter of indifference to the English Government in India that the classes which must always have a great influence with the Indian people should be dissociated from all active sympathy with their rulers and all intelligent appreciation of the grounds and issues of their policy. It is for these reasons that I have always thought that it would be a fatal mistake for the English Government to withdraw the helping hand which it now holds out to those classes, or to mark in any way its indifference to their intellectual advancement. I believe that these classes now regard the efforts of Government in the direction of higher education as affording the most indisputable proof of the genuine good-will of the English nation and government, and their desire to associate the Natives of the country hereafter to a greater degree with the government of the country. I do not believe that the same effect would be produced by indirect support given to local efforts, by which plan a heavy burden would certainly be imposed on a few enlightened persons, and a fresh impulse given to efforts which, however disinterested and laudable, are certain to promote hereafter the disturbing element of religious rivalries. I am further deeply persuaded that the class of educated Natives is not hostile, as is sometimes said, to the British Government. I am certain that no class would lose more in the event of that Government being overthrown. In the military anarchy, and the recrudescence of ancient superstition which would inevitably follow, there would be no place for them. I believe that with few exceptions they are thoroughly persuaded that the connection with England is an indispensable condition for the regeneration of their country. But they are not disposed—and no Englishman should blame them for this, to be condemned for evermore to have none but a subordinate share in the noble task of working out that regeneration. They are very properly filled with the praiseworthy ambition to be instruments of service to their own countrymen; and they have also learned from history that there is an evil even worse than anarchy—that deadly torpor of soul which too often has been the cruel legacy of foreign Governments to a conquered people. It is quite within the power of the English Government to win the attachment of this part of the population, and to use them as instruments for promoting its own beneficent purposes. But there can be no doubt that their confidence and attachment will be rudely shaken by any reversal of the present generous educational policy of the British Government.

Ques. 37.—What effect do you think that the withdrawal of Government to a large extent from the direct management of schools or colleges would have upon the spread of education, and the growth of a spirit of reliance upon local exertions and combination for local purposes?

Ans. 37.—I value very greatly a "spirit of reliance upon local exertions," but I cannot think that the time has come when we can trust to that spirit in India to provide adequately for either popular or academical education. There is much wealth and public spirit in Bombay, but even here the maintenance of a single college by voluntary subscriptions would devolve principally on a few public-spirited individuals. Municipal taxation, I apprehend, could not equitably be devoted to the support of a college which draws its pupils from every part of the Presidency. I do not think that it is politic to encourage local spirits by imposing on local bodies a heavier burden than they can conveniently bear.

Ques. 38.—In the event of the Government withdrawing to a large extent from the direct management of schools or colleges, do you apprehend that the standard of instruction in any class of institutions would deteriorate? If you think so, what measures would you suggest in order to prevent this result?

Ans. 38.—The "withdrawal of Government to a large extent from the direct management of schools and colleges" would certainly, I think, depress the standard of instruction in both institutions. I conceive that this result would certainly follow in Bombay, whatever might be the result elsewhere. The first consequence would be to strengthen very considerably the status and influence of Missionary schools and colleges. These institutions possess an organisation and resources which would give them great advantages over all their competitors. I will assume that they now impart an education not inferior in quality to that given in schools and colleges under the direct management of Government. It is certainly open to dispute whether such is the case in Bombay, but I am not indisposed to accept the most favourable view that can be taken of their operations. But I should hesitate to believe that they would maintain this standard of efficiency if they were relieved, as their supporters apparently wish to be relieved, from the competition of the Government institutions, and if the control of the University passed, as it probably would, into their hands, I believe that the religious objects which the supporters of these institutions have most in view, would in this case assume a much more important position in their programme than they now occupy. I believe that experience shows that an education conducted by clergymen, with the object of promoting particular religious opinions and practices, is seldom, if ever, efficient, where it is not under the indirect control of a system which values and pursues knowledge for its own sake. The services which the Jesuits rendered to European education in the sixteenth century were cordially recognised by Bacon. But Bacon did not live to see the final outcome of their system. It would be unbecoming and ungenerous to enlarge here on this subject. I will, therefore, content myself with saying that the intellectual poverty of those countries in which they had their own way may without any gross unfairness be principally, if not exclusively, attributed to their misdirected activity. In Austria and Southern Germany intellectual life in the last century was almost extinguished, and the Governments in that part of Europe were sometimes compelled to send their servants to the Protestant Universities of the North to acquire that instruction which was nowhere attainable within their own territories. I am aware that the Calvinistic clergy, who in the field of education are perhaps the only serious rivals of the Catholic clergy in India, cannot generally be taxed in the past with an excessive fear of the free exercise of human reason. The organisation of popular instruction in Scotland by the preachers in the sixteenth century forms one of the noblest episodes in the history of our country. But I think they would be exposed to the temptation of subordinating intellectual improvement to the interest of religious propaganda if the institutions now maintained or supported by Government in this country were abandoned or materially weakened. This danger would be, of course, proportionally lessened if independent institutions were able to occupy and hold the ground which is now occupied and held by the Government institutions. I have touched elsewhere on the dissatisfaction which would probably be aroused by the support given from the public revenues to institutions which exist for distinctly proselytising purposes, if the colleges and schools directly maintained by Government were abandoned to the precarious and inadequate support of private energy, unassisted as yet by the ample endowments which the liberality of many generations has provided in England.

The opinions here expressed are not inconsistent with a very high estimate of the services of colleges supported principally for religious objects, when they are exposed to the strenuous and healthy competition of secular institutions. In France, as I have already observed, the course of study in the institutions supported by the Religious Orders was really controlled by influences outside their walls. To hold their ground they were compelled to employ lay teachers, and in Paris at least they had the command of the highest lay talent. Had they been supreme in the University, and not exposed to competition, the quality of their instruction would perhaps have been no better than it was in Spain or in Austria.

Ques. 39.—Does definite instruction in duty and the principles of moral conduct occupy any place in the course of Government colleges and schools? Have you any suggestions to make on this subject?

Ans. 39.—If "definite instruction in duty" is understood to mean any formal exhortation, or comments on "right conduct," there is nothing of the kind in Elphinstone College, nor is anything of the kind in my judgment desirable. The "principles of moral conduct," of course, occupy the attention of young men who take up moral philosophy as their selected study. The opinions of speculative persons on the ultimate grounds of right conduct are widely divergent; and though the subject is an important and an interesting one, it has only an indirect and partial influence on practice.

Speaking generally, young men do not require to be told what right conduct is, or why right conduct is desirable, but to be helped to act rightly. They need influences and motives addressed to the feelings and the will. Certainly, I could wish that these were more numerous and more powerful than they are in India, but we cannot change the fixed condition with which we have to deal by simply wishing that they were otherwise, or acting as if they were otherwise. It is impossible to have anything in an Indian college corresponding to the public worship or preaching of an English college whose members all profess the same creed. In Oxford public worship has ceased in most colleges to be an obligatory part of college discipline, and young men practically, I suppose, now make their own religious arrangements. In India we are necessarily compelled to carry the same system further, for here the teachers in most cases profess a religion which is not the religion of their pupils. There are persons who are sanguine enough to believe that dissertations or exhortations on what is called natural theology might have a good moral effect in our colleges—a proposal which seems to me hardly deserving of serious discussion.

Are there no aids then given, it may be asked, to the moral life of young men in our Indian colleges? I reply that such aid is given. The discipline of college life lends, or ought to lend, a powerful support to habits of industry, truthfulness, courtesy, and temperance. The example of teachers may be, and ought to be, a most powerful and permanent influence for good. If I may appeal to my own recollection I would say that the example of two or three persons with whom my contemporaries and myself were brought into relation at my own college in Oxford had much more influence on our conduct than all the formal teaching we received in chapel or elsewhere. Again, the course of study in our Indian colleges is surely fitted to elevate and enlarge the moral ideas and sympathies of our students. I am convinced that young men in all countries gain more helpful moral-knowledge from their own experience, reflection, and study, than they do from any other source. I believe that those colleges in which activity and independence of mind receive most encouragement will generally be found to be distinctly superior in morality also. Such certainly was the case at Oxford in my youth. There are persons, I know, who are courageous enough to maintain that young men who enter Elphinstone College are corrupted by an education which excludes formal religious teaching; that we make them, in short, worse men and worse citizens than they otherwise would have been. I believe that no proposition could be stated more opposed to fact. The evidence of the moral progress of Indian society during the last quarter of a century seems to me irresistible. Conservative minds abound in this country as elsewhere, who think that all is at an end when the form is at an end. Nor would any reasonable person deny that epochs of intellectual transformation and emancipation have generally been accompanied by a marked relaxation of morals. The European Renaissance and the Reformation furnish abundant proofs of this. But I think it a remarkable fact that these phenomena of disturbance at present are less apparent in India than might have been expected. Native journalists, I know, often lament over the moral degeneracy of the times; but this has always been a favourite topic for random rhetoric. It has been said by a great writer on education that men as constantly exaggerate the intellectual progress of their generation as they undervalue or misrepresent its moral progress: and in India, where social and family discipline has possessed such extraordinary cohesion and power, it is easy to understand how any change or modification of the form appears to some minds an annihilation of the substance.

Ques. 40.—Are any steps taken for promoting the physical well-being of students in the schools or colleges in your province? Have you any suggestions to make on the subject?

Ans. 40.—I think that an increased expenditure on physical training in Indian schools and colleges would be morally, as well as physically, advantageous. The sedentary and lethargic habits of Indian students are not favourable to health or mental vigour. We have a gymnasium at Elphinstone College and a paid instructor who attends two or three times a week. Some of the students also exhibit a taste for cricket and other athletic games. The Parsis are, I think, the leaders in movements of this kind. A wish has often been expressed that prizes for athletic proficiency were given, and I have called attention to this matter in my annual reports. I think that a not very considerable outlay would promote the health of the students. In an English school the masters frequently share in the sports of their scholars. Sometimes here a young professor, fresh from English school or college life, gives a healthy impulse to athletic activity by joining in the games of the students. But I must admit that few professors above thirty years of age retain much taste for athletic pursuits in the climate of Bombay.

Ques. 48.—Is any part of the expenditure incurred by the Government on high education in your province unnecessary?

Ans. 48.—I cannot think that the total sum devoted to higher education in this Presidency is unreasonably high. The amount annually spent by Government on the two Arts Colleges is a little over Rs. 86,000. If these colleges are to be maintained, it might, however, be urged that a considerable saving could be effected by reducing the present scale of payment to the college professors. It might be plausibly said that the salaries received by professors in Missionary colleges command the services of gentlemen who are quite as efficient as those employed in the Government institutions. A distinguished Native gentleman who gave evidence before the Commission in Calcutta appears to be perfectly scandalised at the cost of the Presidency College in that city. He referred to the salaries paid to the teachers in the Hindu College more than thirty years ago, and seemed to think that those salaries represented what would still be a just and adequate remuneration or very nearly so. He called attention in a very marked manner to the salary of the Principal of the Presidency College as something outrageous. I suppose that that salary is about the equivalent of £1,500 per annum. Now, no one who knows anything of English scholastic and University life can doubt that a gentleman as academically distinguished as the present Principal of the Presidency College in Calcutta would have been a very unfortunate or a very incompetent person, if, having accepted employment twenty years ago in a public school in England, he were not now in the enjoyment of a larger income than he is receiving in India. I am willing to believe that the salaries of all public servants in India, from His Excellency the Viceroy downward, might submit to some reduction without injury to the State. But I do not believe that the Educational service calls more loudly for retrenchment than any other. You cannot expect to attract men of ability and academical distinction to India on a scale of remuneration which is not higher than that expected and obtained by the intelligent foremen and assistants of European shops in this country. I do not know how the services of professors in Missionary colleges are remunerated. But I think that those gentlemen would be the first to admit that that remuneration was not governed by the ordinary laws which control commercial transactions. A large part of the consideration which they deservedly enjoy in this country is derived from the fact that their services and attainments are in part gratuitously given, or given at less than cost price. The Hindu shares to some extent the Socratic prejudice against all payments for intellectual services. His ideal of a teacher is one who imparts his hoary wisdom for nothing, or for nothing more than bare subsistence. A mediæval schoolman from the ranks of the ragged children of Francis or Dominic would inspire him with more admiration and confidence than Gorgias or Protagoras ever won from the youth of Athens. But if educational service cannot now be got on these heroic terms, it need not, therefore, be advertised on contract to the lowest bidder. I think the Government of India has taken a very just estimate of what is a proper scale of remuneration for its Educational officers, and that important reductions could not be effected without injury to education. I believe that educational officers have only one legitimate grievance, and that is the great inequality, compared with other similar services, of the time they have to serve in India. The existing arrangements with respect to pensions are felt to be an injustice; and they are certainly neither economical nor conducive to that efficiency which is so desirable in this Department of Government.

Ques. 53.—Should the rate of fees in any class of schools or colleges vary according to the means of the parents or guardians of the pupil?

Ans. 53.—I do not think that it would be very easy to work such a system, though it would be one in accordance with the ideas of the people. In Elphinstone College a certain fixed proportion of free-studentships is given every year to poor and deserving scholars, but it is never an easy matter to make out which claims on the score of poverty are really the strongest. Junior scholars who do not receive more than Rs. 10 a month are excused a moiety of the fee.

Ques. 58.—What do you consider to be the maximum number of pupils that can be efficiently taught as a class by one instructor in the case ot colleges and schools respectively?

Ans. 58.—I consider that 35 or 40 is the maximum number which can be taught efficiently as a class by one master in a high school. In Elphinstone College it sometimes happens that the Freshman Class consists of one hundred members. It is impossible that so large a class should be satisfactorily taught by one professor. The members of the class are still really school-boys and require individual attention and supervision. In the higher classes the lectures may approximate, without disadvantage, rather more closely to the professorial type: but even in this case I think a class of 25 or 30 can be taught more efficiently than a larger one. Under the present system which gives a large scope to individual choice of study in the last year of a student's course, some of the classes in Elphinstone College do not exceed four or six members. If the University was provided with one or two professors whose lectures were attended by the most advanced students from all the colleges in Bombay, the college professors or tutors would be able to give more attention to the younger students than they do now.

Ques, 59.—In your opinion should fees in colleges be paid by the term or by the month?

Ans, 59.—In Elphinstone College the fees are paid by the term. This plan has hitherto, I believe, worked successfully, and I have no wish to change it.

Ques. 60.—Does a strict interpretation of the principal of religious neutrality require the withdrawal of the Government from the direct management of colleges and schools?

Ans. 60.—I observe that persons who value Missionary education sometimes maintain that "principle of religious neutrality" is violated by the mere existence of Government institutions in which religious instruction is not given. They contend that the exclusion of religion from Government institutions has a tendency to lower the prestige or credit of their schools, in which religious instruction occupies a prominent position. It is possible that this is, to some extent, the case; but it would be an astounding inference from this fact that Government should wholly withdraw from the direct management of schools and colleges; that it should close institutions which it has deliberately established for the benefit of the people of this country, because a certain number of teachers whose primary object is to detach the people of that country from their ancestral beliefs, think that these institutions are an impediment to the success of their own plans. If India possessed the privilege of self-government, would it be possible even to discuss seriously such a proposal? If a "strict interpretation of the principle of religious neutrality" requires the withdrawal of Government from the direct management of schools and colleges. does it not much more require the withdrawal of all aid from institutions whose professed object is the extinction of the religion of the country? Many Hindus, I know, entertain this opinion, but they do not urge it now, because they think that the practical advantages which Missionary schools and colleges confer on the country outweigh altogether the theoretical wrong. They respect the Missionaries for their religious zeal, and their manifold efforts for the moral improvement of the Indian population. The superior races of India, who possess a philosophy, a theology, and sacred books of their own, have apparently very little fear that their children will ever lose their faith in schools or colleges conducted by Missionaries. The conversion of an educated Native to any form of Christianity in Bombay would be an event almost as surprising as the conversion of an educated Englishman to Muhammadanism or Hinduism. But I have no hesitation, in saying that the present temper of the country would be very materially changed if the British Government, in obedience to the cry for religious neutrality, should close its own schools and colleges, or hastily transfer these to local bodies. I do not think that the leaders of public opinion in India, under these circumstances, would regard with the very creditable equanimity which they now display, the large subsidies from public taxation which are paid to those whose efforts are ostensibly directed against the religious beliefs of their countrymen.

Ques. 61.—Do you think that the institution of University professorships would have an important effect in improving the quality of high education?

Ans. 61.—Candidates for the degree of M.A. who have passed through the previous course, and even some candidates for the B.A. degree, might certainly attend with advantage the lectures of a University professor. There is, in fact, very little provision for the instruction of the M.A. candidates. College tutors—for such our professors really are—cannot, without neglecting their other duties, give much attention to the candidates for this degree. The junior students would not derive much profit from attendance on University lectures delivered in a language which they only imperfectly understand. But I look forward to a time when professorships.in connection with the University of Bombay shall be founded either by the State or by private persons. If these were endowed with salaries sufficient to attract to India, for a period of four or five years, men of established reputation in their several departments of study, a great impulse would be given to the intellectual life of Bombay. Those who have seen in Paris the crowd of eager students collected round the chair of a famous professor, and the enthusiasm which he awakens, must wish that something of the kind could be witnessed in India.

Ques. 63.—Are there any arrangements between the colleges and schools of your province to prevent boys who are expelled from one institution, or who leave it improperly, from being received into another? What are the arrangements which you would suggest?

Ans. 63.—No one is admitted into Elphinstone College from any other college without a certificate from the Principal of that institution that he bears a good moral character, and has the Principal's permission to leave. He is also required to show that he has paid all the fees due,, and has no books from the college library in his possession.

Ques. 65.—How far do you consider it necessary for European professors to be employed in colleges educating up to the B.A. standard?

Ans. 65.—I think that no "college educating up to the B.A. standard" could at present dispense with the aid of European professors. It is possible to find natives of this country who have a complete mastery of the English language and an extensive acquaintance with English literature. Such persons can accomplish a great deal; but they cannot, unless they possess extraordinary genius, assist their pupils in the way which an English teacher can do. They cannot assist them effectually to penetrate into the inner spirit and purposes of English thought, or discover its connections with the imposing developments of English political life. I do not believe that any Hindu can teach English or Roman history as it ought to be taught, unless he has lived for many years in Europe and mixed freely with the people. Mathematics and logic, and experimental physics, can all be taught, I should suppose, as effectually by natives of this country who possess the necessary qualifications as by Englishmen. I think that the Chairs of Sanskrit ought at present to be pretty equally divided between Native and European scholars, the balance inclining, if inclining at all, in favour of the former. The natives of this country are very generally accredited with a remarkable aptitude for metaphysics. This subject is not ordinarily taught in our colleges, nor is it likely that there will hereafter be much demand for it. The history of European philosophy might be taught effectually by a native of this country, but only by a person who had an extraordinary interest in the subject and unusual industry. At present I believe the rule is observed in the India Office with some strictness to select none but men who have obtained academical distinction at home for appointment to the professorships in Indian colleges. Some safeguard of this kind is really needed unless these appointments are to become the prey of patronage. There are doubtless many cases of persons who have not taken honours or even a degree at a University who yet possess the most indisputable qualifications for such posts, but any relaxation of the rule, unless most carefully guarded, would lead probably to abuses. Capable natives may be excused for feeling considerable indignation when they are superseded by persons from whom they are not long in discovering that they have really nothing to learn.

Ques. 66.—Are European professors employed, or likely to be employed, in colleges under native management?

Ans. 66.—I think that European professors of English literature would be preferred in colleges under native management, wherever sufficient funds to secure their services were forthcoming.

Ques. 68.—How far would Government be justified in withdrawing from any existing school or college, in places where any class of the population objects to attend the only alternative institution on the ground of its religious teaching?

Ans. 68.—This is a question of practical politics. I have already expressed my opinion that discontent would be excited if proselytising schools, largely assisted by public money, were the only alternative open to parents in towns or districts where the people had formerly enjoyed the advantages of non-sectarian education.

Ques. 69.—Can schools and colleges under native management compete successfully with corresponding institutions under European management?

Ans. 69.—I do not think that they can as yet in this part of India.

Cross-examination.

By MR. LEE-WARNER.

Q. 1.—Would the personal influence of the staff of professors in the Elphinstone College be greatly increased if they lived in the college grounds?

A. 1.—I should be inclined to answer the question in the affirmative. The question was raised and discussed in connection with the Deccan College, and it was considered advisable that the professors should live near the scholars. Financial considerations, I believe, prevented the proposal being acted upon, although plans were drawn up.

Q. 2.—Do you see any breach of religious neutrality in awarding to Missionary schools grants by result of examination in secular subjects?

A. 2.—I think I have implied that I do not share that opinion. One must take a practical view of the whole question of religious neutrality, as affecting the free action of Government in many directions.

Q. 3.—Considering the strict interpretation of a policy of religious neutrality and the obligation which it imposes upon Government professors, do you consider that the selection of Sedgwick's Ethics by the University as a text-book places the teacher in any position of difficulty?

A. 3.—No. I do not.

Q. 4.—It has been stated that the Sind scholarships of Rs. 20 per month are entirely inadequate to meet the expense of a Sind scholar in your college. Do you hold that opinion?

A. 4.—I have heard complaints from the Sind scholars arising from the distance they have to travel and the paucity of their numbers, so that the expense of messing together is increased. I think Rs. 30 would be a more adequate provision.

By MR. TELANG.

Q. 1.—Am I right in understanding from your 16th answer that you disapprove of the withdrawal of the grant to Deccan College, whether in whole or in part?

A. 1.—Yes. I do, for the reasons stated in my answer.

Q. 2.—Do you not consider that there is a violation of the principle of religious neutrality in giving grants-in-aid to Missionary institutions, where religious education is compulsory on all students?

A. 2.—It must be admitted that there is a certain violation then of the strict principle of neutrality. I should not, however, be anxious to raise the question, unless a practical difficulty was raised by the parents and by public opinion. It is our object to secure as many agencies as possible in the field of education.

Q. 3.—Is there any tendency on the part of the Syndicate of the University of Bombay to entrust the work of University examination more to the professors in Government colleges than to those in aided colleges?

A 3.—My own experience is against that view. We are anxious to distribute the work as fairly as possible, and I think a reference to the calendar will show that we have done so, with due regard to the special qualifications of those who are available.

By the President.

Q. 1.—Do you think there is any truth in the statement sometimes made that young men educated in the Government colleges are apt to fall into habits of intemperance or immorality, or into courses which lead to the rupture of family ties?

A. 1.—No examples of that kind have come under my observation. I should certainly have heard of such cases if they existed in the college. I should also have heard of them, if immorality had been prevalent among the educated youths after they left college. I can only follow the careers of some of the students; but I have personal knowledge of a sufficient number of individual cases to warrant me in drawing this general inference.

PUBLIC SERVICE COMMISSION, BOMBAY.

EXAMINATION OF

Professor W. WORDSWORTH, M.A., C.I.E.,

PRINCIPAL, ELPHINSTONE COLLEGE, BOMBAY.

Sir *Charles Turner.*

1545. You are Principal of the Elphinstone College, Bombay?—I am.

1546. Will you kindly tell us at which University you graduated?—Oxford.

1547. And after you left Oxford, what did you do?—I was master at Radley College near Oxford for a year and a half, and then I came out here.

1548. You are in the Educational Department?—I have been in the department about twenty-five years. I came out to India in 1861.

1549. Have you served only in Bombay?—No, I was Principal of the Deccan College for ten years.

1550. On the assumption that the Statutory system is retained, how would appointment to the Statutory Service by nomination be regarded by influential sections of the Native community in your province?—My experience leads me to believe that the system of appointment by nomination to the Statutory Service is, and always will be, generally unpopular. It leaves a wide door open to favouritism and intrigue; and as only few can hope to make an effective use of these instruments, the rest are naturally dissatisfied. I have never heard any one say a good word in favour of the existing system.

1551. Do you consider that nominations should be confined to persons of proved merit and ability?—I certainly think that "nominations should be confined to persons of proved merit and ability." Family distinction, and claims founded on the services of deceased relatives to the British Government, appear now to be considered of more importance. These, at least, are the grounds which young men who wish to interest me in their candidature are most zealous in putting forward.

1552. How would a system of limited competition amongst persons nominated for this purpose by the local Governments or by the Universities, or by those authorities concurrently or alternately, be regarded?—I have before this advocated a system of limited competition amongst persons nominated by the local Governments and the Universities, and I think that it would be regarded with more favour by the Native public than the existing system. Probably a system of open competition, pure and simple, would be more welcome to the classes which most readily seek a University education : but it is also not improbable that other classes would dislike it. The Brahmanic castes possess inherited intellectual tastes, and a capacity for sustained intellectual application, which must always give them a marked advantage over all other classes in this sort of competition ; and the predominance so acquired might not unreasonably be irksome to others.

1553. If competition (whether limited or open) is preferred, should there be one competition for all India, or separate competitions in each province?—I prefer a competition open to all India for the Statutory Service, if it is to be maintained. I am aware that many persons have persuaded themselves that nearly all the appointments would in that case, for many years, be monopolised by the inhabitants of a single province ; and I suppose it must at least be admitted that some provinces would get less than their due (numerical) proportion of appointments. I do not share the first of these beliefs, and I am not disposed to attach too much importance to the second. On the other hand, I think that the Natives of India would have good reasons for feeling dissatisfied and resentful if it should be held that any English candidate was qualified to hold office in any part of the Peninsula, while Indians must be confined to the territory in which they happened to be born or domiciled. A service bearing this provincial stamp would be felt as a humiliation.

1554. Under any of the three systems of nomination, limited competition, and open competition, would you prescribe any tests of preliminary qualifications on the part of nominees or candidates in regard to (1) age, (2) intellectual capacity, (3) moral, social and physical fitness?—Under the system of limited competition, the examination would give a fairly sufficient test of intellectual capacity. I would fix the limit of age at twenty-two and I am strongly in favour of some real test of physical fitness. Those which are now employed in England are said to be rather illusory ; but the amount of mischief which results from that is, I suppose, small, considering the great part occupied by athletics in modern English life, and the natural tastes of English boys. The Hindu, on the other hand, is sedentary by habit and disposition, and his physical vigour, even in his native climate, has not the Englishman's staying power. I speak, of course, of the literary classes. Moral tests have in all countries little more than a negative value?

still all candidates ought to produce certificates from their teachers that their conduct has generally been irreproachable.

1555. Do you consider that after selection and before entering on probation (or on duty) the person selected should undergo special training? If so, should the special training be carried out in India or in England?—I attach great importance to a period of training in England for Native members of the Civil Service: and even if the Statutory Service is maintained, as a supplementary or subordinate department of that service, I should like to see, with the system of limited competition, the condition annexed of a two years' training or study in England. In this case the candidate should pass all the subsequent tests which are passed by Civilians selected in England by competition. He would then be regarded by his countrymen and others as the equal, or nearly the equal, of the candidates selected in England, which is by no means the case now.

1556. Are you in favour of the establishment of scholarships tenable by Natives in England for the purpose of enabling them to qualify for the Civil or Statutory Service?—I think that a liberal scheme of scholarships in connection with an examination by limited competition is a thing both desirable and just. I fear, however, that these additional advantages would aggravate the evils which I consider almost inseparable from a system of nomination maintained in India. But if the Statutory Service is maintained on an improved model, I think that Government scholarships tenable in England should form part of it. Otherwise the sons of rich men only would gain admittance, and the talent of the country would be more diverted into the channel of critical opposition to an alien and unsympathetic Government.

1557. If the opportunity of residence in England at a University for two years with a sufficient allowance were offered to nominees or selected candidates, is it likely that it would be taken advantage of to any great extent?—I think that a sufficient number of qualified selected candidates would be forthcoming, if the opportunity of studying at an English University were afforded, and an adequate allowance offered. I am aware that the more select Brahman castes would probably, for some time at least, shrink from the supposed pollution of a voyage to Europe.

1558. If the system of examination in England were revised with the result that Natives availed themselves of it in considerable numbers, would it still be necessary to retain the Statutory system?—I do not think it would be necessary; but perhaps it might be desirable to leave open a path by which distinguished merit in the Uncovenanted Service might be lifted into the higher service. But the distiction between the two services has now no logical basis and seems practically inconvenient when the subject of promotion has to be discussed.

1559. Have you anything to add on that branch of the enquiry?—I should like to add that the Statutory Service is, and always will be, generally unpopular; and that my own opportunities of forming that opinion are chiefly derived from conversations with those who are either students or relations or connections of students pursuing a University education. Their objection to the system was that it afforded no scope for any intellectual test; that it was established at a time when there was great suspicion that an effort was being made to make it impossible, or at any rate difficult, for Natives to pass into the service by competition in England, and therefore the student or intellectual class were afraid there would be no chance or hope for them of entering the higher service. That feeling has been very prevalent within the last few years, especially since Lord Lytton's despatch became public.

The Hon'ble Mr. *Quinton.*

1560. You suggest a combined system of nomination by local Governments and Universities preparatory to the competition. On what principle do you think the Universities would nominate ?—I think they would select those who passed with the highest credit at the examinations.

1561. Would they take the University list, pure and simple, as their guide, or would they refer to heads of colleges ?—Probably they would combine both. Applications would go before the Syndicate, who would be guided largely by the advice given by heads of institutions and partly by the list of honours and degrees.

1562. How do you suggest that Government should be guided on its part in making the preliminary nomination ?—I think they should be guided by the kind of considerations which guide them now ; that is, partly by social position and partly looking to proved merit and ability in other branches of the service, and partly also by educational qualifications.

Sir *Charles Turner.*

1563. Do you prefer limited or open competition for this service ?—On the whole, I prefer limited competition.

Mr. *Stewart.*

1564. Are you entirely in favour of retaining the Statutory Service?—I think it desirable to retain it as a means of providing for those classes who are not likely to succeed to the same extent in a system of open competition, and, if necessary, to provide for promotion from the Uncovenanted Service.

1565. When you said in one of your answers that for some years the appointments would be monopolised by the inhabitants of a single province, you referred, perhaps, to Bengal ?—Yes.

1566. Do you consider that the Bombay-Deccanni Brahmans would hold their own with the Bengalis ?—I think they would. At any rate I do not believe there would be so great a preponderance of Bengalis as has been anticipated.

1567. What do you mean when you say the present tests of physical fitness in England are illusory ?—There is no very searching test of fitness. I have been told that a man goes for three or four weeks, perhaps, to a riding school, and gets a certificate that he has attended so many hours for riding.

Mr. *Crosthwaite.*

1568. You say the present system of appointment by nomination leaves a wide door open to favouritism and intrigue : who makes the nomination ?—The local Government makes a certain number of nominations, and the names, I believe, are sent up to the Government of India and the selection made from them.

1569. And how does that leave a door open for intrigue ?—I mean that persons who have access to Members of Council and Secretaries try to interest them in every possible way in their children or relatives, and those who have not this means of making themselves known are handicapped considerably. I have heard a Chief Secretary to Government say that his appointment to that post added a new burden to his existence, for now, when a Native gentleman called upon him, he was generally accompanied by a young relative for whom he wished to make interest in order to get him into the Statutory Service.

The Hon'ble Mr. *Quinton.*

1570. Do you think that tactics of that kind forward the candidate's chance of success ?—I should think so.

Mr. *Crosthwaite.*

1571. Why should not nomination by Universities lead to similar intrigue ?—Because then we should call specifically for reports ; then there would be a University test : the publication of the degrees of itself would offer security which I do not think private patronage would assure. As a matter of experience, patronage is liable to abuse, and those persons who are in the neighbourhood of great people have an advantage. When I say intrigue, I mean that it encourages persons to pave the way for furthering their interests by cultivating friendships.

1572. Do you think the University authorities here, or even the professors and heads of colleges, have adequate means of judging of the character of their pupils ? I mean, could you conscientiously give any of your pupils a certificate ?—Yes, if anybody has attended my class say for two years, has conversed with me and brought essays to me, I have means of forming a judgment ; there are a multitude of minor circumstances which come to your notice. In fact, you have an opportunity for forming a judgment in respect of a pupil's manners, truthfulness, activity—qualities of that kind.

1573. Do you think you would have the same amount of information as a college tutor or master in an English school ?—No.

1574. You have admitted that the Brahman castes would have a marked advantage over all others in competition ?—I am inclined to think so from my experience.

1575. Is that quite consistent with the opinion you have expressed in another place ? Would not the Brahmans of Puna have a marked advantage over Natives, say, of the Punjab or North-West ?—I think the Brahmans in every part of India would have superior chances in an open competition. They have, as a race, been engaged in intellectual pursuits for centuries.

1576. But do you not think that the Deccanni and Kulin Brahmans would have this advantage, even over the Brahmans of the North-West or Punjab ?—I could not answer that unless I knew how far educational advantages exist in those provinces. If the college system is efficient there, I do not think there would be that advantage.

1577. We are speaking now of the Statutory Service. You have said that " Natives of India would have good reasons for feeling dissatisfied and resentful if it should be held that any English candidate was qualified to hold office in any part of the Peninsula, while Indians must be confined to the territory in which they happen to be born or domiciled." Do you think there would be any real grievance, considering that the Native candidate is given special advantages which are not given to the Englishman; that he is put into the service without any exertion of his own?—I was presupposing the present system changed. If a system of pure nomination is maintained, it is of less importance. Such a service generally holds a lower place in public estimation. But still it would be one means of entering the higher service; and those who got into the higher service would resent it if they were differentiated by having only a local value.

1578. Do you mean that if the Statutory Service was open to competition you would not allow Natives to compete in England for the general service?—If the Statutory Service is maintained as it is now, I should not propose to make any change in the small possibilities which exist of entering by going to England with the age at nineteen.

Sir *Charles Turner.*

1579. Why do you prefer limited to open competition for the Statutory Service?—Because it gives an opportunity to Government for correcting any such inequalities as may exist in regard to caste and race differences. Thus, in one year they might nominate a predominent number of the members of some caste or race which had been unduly excluded, and in that way rectify the inequality.

1580. What would you call an undue exclusion?—For example, if the service came to be exclusively Brahman, one might fairly say then that other classes were unduly excluded.

1581. You would not then regard the educational test as the sole test of fitness?—No.

1582. You would recognise that for some appointments—those which involve considerable exercise in the field—it might be desirable to look for other than merely intellectual qualities?—Yes.

1583. You have had considerable experience of youths in the colleges in this Presidency. Have you, as a matter of fact, found any considerable number of the men who take to higher education fond of athletic exercises? —Some of the Bombay Parsis are known to have a taste for them, and I am told that in Puna, where Brahmans predominate, they have of late taken, to a greater extent, to athletic exercises.

1584. Do you consider that the moral tone has improved in India proportionately with the increase in education?—That I should certainly answer in the affirmative. When one speaks of morality, of course one has to bear in mind that it covers a very wide field of virtues, and perhaps all virtues have not advanced in equal proportion. But in general, as regards activity, manliness, faithfulness and kindred qualities, I should say that in the last quarter of a century there has been a very decided advance in the Indian youths, which has, I think, penetrated into the public service and shown itself in the improved character of that service. Corruption and laxity in the discharge of public duties, and untruthfulness, which were regarded as more specially prevalent, are now made less obvious than they were, and the young men have ideas which are inconsistent with them, and which aim at a more European standard of morality.

1585. Do you consider that the educational system encouraged by the University degree examination is the most liberal that could be given?—Of course before I could satisfactorily answer that question I should have to know exactly what the conception of a liberal education was. A liberal education is generally understood to be an education which has for its end and object the cultivation of the whole man, the intellectual and moral qualities—an education in fact which fits a man to be a citizen of a free community. That was the original meaning—the education of a *liber*, a freeman, which included the highest degree of perfection attainable, and the Greeks would have included the perfection of the physical organs. Intellectual and moral training are, I think, provided for; but, as I have said, moral training cannot be provided for in the same way as it is in England, because, owing to profound differences of race and social habits, teachers from a foreign country cannot exercise the same influence. Our University education is founded on the basis of Universities which in Europe have handed down the tradition of a liberal education which they inherited from the ancients, and in which the higher literature plays the highest part. For Greek and Latin literature we have substituted here a higher English standard and mathematics of a very high range. This secures liberal culture.

1586. Sir Alexander Grant was for some time Director of Public Instruction?—Yes.

1587. Did he leave much impression on the system of education in this province?—A very considerable impression.

1588. What tone did he impart to it?—I remember that in one of the first years after his arrival he gave a lecture on the ideal of a liberal education.

1589. Did he endeavour to impart an Oxford tone to this University?—Yes; and he made a great impression on men who were pupils under him.

1590. Has the University taken advantage of his counsels?—There have been changes since his time, and a high place has been given to physical science by the introduction of a new degree. That was an object Sir Richard Temple had greatly at heart, and there has been a greater specialisation of studies since his time.

1591. We were told by Mr. Lee-Warner that in consequence of some resolution of the Government of India relating to the aiding of schools in which Europeans and Eurasians are instructed, the pupils of those schools were discouraged from pursuing a course of University study?—I remember some time ago some special grants were made to Eurasians of scholarships and allowances. That was in Sir Bartle Frere's time.

1592. Have you at any time had many Eurasians or Europeans among your students in the colleges?—No, very few.

1593. Do you know the cause?—I think the general ground is this, that they are not wealthy enough to wait for a University education. They have to look for employment at a very early age.

Mr. *White.*

1594. If a Latin Professorship were attached to the Elphinstone

College, do you not think that it would attract Europeans and Eurasians?—Latin is extremely effectively taught in the St. Xavier's College as it is. We have never had a Latin Professorship, and what Latin is taught is taught by the Professors as a supplementary subject.

1595. Is it not owing to some distaste for the vernacular studies that Eurasian and European youths are disinclined to enter on a college course here?—I suppose they may possibly have such a distaste, but the kind of employment they would be likely to seek would require a knowledge of the vernaculars, and it would, therefore, be to their interest to study them.

Mr. *Ramaswami Mudaliyar.*

1596. We have been told that Government scholarships are reserved exclusively for students educated in Government colleges and were denied to students educated in aided institutions: is that a fact?—I am not aware that there are any scholarships which are purely Governmental. All the scholarships in our colleges originated in endowments which Government has supplemented.

The Hon'ble Mr. *Quinton.*

1597. What do you think would be the result of the competition you propose between Government and University nominees?—One can scarcely say without knowing the principles on which Government would be guided in its selections. I think it might be assumed that the nominees of the University in one year would probably have an intellectual advantage in the examination. They need not necessarily compete against each other. The Government might nominate in one year and the University in another. I am not committing myself to any definite plan.

Mr. *Ryland.*

1598. Have you ever found Native boys establish a code of honour or "form," and visit with social disfavour those who transgressed that code?—Yes, decidedly so. I have occasionally had my attention called to irregularities in the treatment of servants, disregard for the feelings of companions, which are condemned and disapproved by public opinion.

Mr. *Stokes.*

1599. Have you ever observed an *esprit de corps* among graduates?—Yes, undoubtedly. A man feels that, as a graduate, a certain standard of conduct, ideas, manners, and opinion are required of him. Whether it might not exist in a greater degree I do not say, but is does certainly exist.

Sir *Charles Turner.*

1600. What has been the experience in your province, in regard to their work as public servants, of Natives who have entered the Covenanted Civil Service through the competitive channel in England? To what classes of society do such Natives belong? Is there reason to believe that the Natives obtained by this system are the best, as regards character and capacity, who could be procured under any system?—The number of Native Covenanted Civil Servants in this province is so small that it would be hazardous to draw any general conclusions as to the merits or demerits of this class of public servants from their performances. I have a slight personal acquaintance with two of them, and I have always understood that they had proved useful and trustworthy servants of Government. I do not suppose that any system of nomination would secure better men.

1601. Is competition of Natives in the examination in England favourably looked upon by large and important classes in India? Should additional facilities be given to Natives for proceeding to England and entering the Covenanted Civil Service by the channel of the English competition? If so, what form or forms should such facilities take? What conditions, if any, should be attached to them?—I should answer the first of these questions in the affirmative. The persons who write in newspapers and those who read them are an important class, and the former, so long as I can remember, have always criticised severely the supposed impediments thrown in the way of the Indian competitors in England by the frequent and rather suspicious changes in the regulations governing the examination. At the same time it must be remembered that it has always been felt, and justly I think, that it was a hardship to compel Indian competitors to travel all the way to England on the chance, and that a very doubtful one, of winning a place among the selected candidates. But this feeling was once not a very strong one, and if the scholarships promised, but never granted, had been available for the most distinguised alumni of our Colleges and Universities, perhaps the present demand for a simultaneous examination in India would not have been raised. It is probably too late to revert to this plan now.

1602. What class or classes of Natives in your province readily to go to England? Are objections entertained to going to England; and, if so, what are they, and by what classes in particular are they felt?—So far as I know there are no very strong objections to a journey to England, except among members of the more select Brahman castes. The objections are, I suppose, founded on sentiments of caste purity and religious obligation. I do not think that Government is bound, by considerations either of policy or principle, to attach importance to these objections. The Uncovenanted Service would still remain open to those who valued the preservation of their ceremonial purity more highly than official power and distinction.

1603. Should the examination for Natives in England be distinct in standards and conditions from that for English candidates, or should there be one and the same examination for all?—I think the examination should be one and the same for English and Indian candidates. The admission to the Covenanted Service of Indians by a different test would be felt, I think, as constituting a certain inequality between them; or at least as affording grounds for the suspicion that their culture was less broad and liberal than that of their English colleagues.

1604. Assuming only one examination in England, for both English and Native candidates, do you consider that the subjects and standards of examination and the conditions as to age and other matters in any respect place Native candidates at a disadvantage as compared with English candidates?—The present limit of age tells heavily against Indian candidates. I do not see how this can be disputed: and I must admit that the successive reductions in the limit of age quite justified the suspicion that there was in some quarters a deliberate design to shut the door of the Covenanted Service, as far as possible, against Indian competitors. It is also said that the knowledge of Sanskrit or Arabic is not estimated at an equitable proportion with the Western classical languages. There is, I may add, no provision in any Government institution in Bombay—I cannot speak so confidently of the rest of India—for teaching Greek or Latin, though there has always been a fair number of students in Elphinstone College who are prepared to take up the latter language.

1605. What is the average age at which Natives at the Indian Universities pass the examinations for F.A., B.A., and M.A., respectively? From what classes of Native society are the persons who graduate at the Indian Universities usually drawn in your province?—The average age at which Indian students pass the B.A. examination in the University of Bombay is, I should say, twenty-one. The graduates of the Bombay University are drawn principally from the professional and commercial classes, and from the class of public servants. There are not many wealthy persons among them, as the people who possess money in Bombay do not value a liberal education. Probably they think that a man succeeds better as a trader if he knows nothing of anything but trade, and it must be conceded that experience does not seem altogether inconsistent with this hypothesis.

1606. Do you advocate a competition in India for the Civil Service simultaneously with the competition in England, the same question papers being used at both examinations? How would this method of selection be regarded by the Native community generally?—I am in favour of a simultaneous examination in India and England for the Civil Service, the same question papers being used at both examinations, and I conceive that this method of examination, even subject to some limitation, which I personally advocate, in the number of Indian candidates to be selected in any year, would be regarded with great favour by the Indian public.

1607. If you advocate such a system, would you restrict the competition in India to Natives, and that in England to English candidates, or would you admit both classes freely to either examination?—I would leave the competition in both countries open to all subjects of the Crown, English or Indian; but I would accept boldly the principle that a certain proportion of English candidates must for the present be maintained in the service. I am conscious that there are some formidable objections to this plan, and that it is quite possible that it might break down in practice; but I should like to see it tried. An alternative plan would be an initiatory examination in England open only to Englishmen, and one in India open only to Indians, and a final examination in England, to which country I would send all selected Indian candidates for a two years' training, to which both classes of candidates should be subject. Three or four years ago this arrangement would have given entire satisfaction, but perhaps it would not now.

1608. Do you consider that the educational institutions available in India are at present capable of giving the very high class education which it was the object of the competitive system, as introduced in 1855, to secure?—None of the educational institutions of India afford all the intellectual advantages which Europe offers. Students educated in India must, therefore, always be under some disadvantage as compared with others educated in Europe.

1609. Would an open competition in India be likely to give decided advantages to any particular class or classes of the Native community over others? Would it be likely to lead to the undue preponderance of any one class or caste in the public service?—I think it indisputable that open competition in India would give decided advantages to the literary castes, and pre-eminently to the Brahmans. Whether the preponderance so acquired is to be called "undue," in any other than a numerical sense, is a question which my experience hardly entitles me to answer. I may say, however, that if the preponderance of any one class or caste is considered injurious to the public interest, as I can imagine that it may be, I think it ought to be corrected by a system of selected nomination supplementary to that of open competition.

1610. Would the introduction of an open competitive examination in India have the effect of deterring cadets of leading families from aspiring to enter the ranks of the Civil Service? Under such a system how would it be possible to provide against Natives of a province in which education is comparatively backward, being excluded from appointments in their own province?—I cannot say whether cadets of leading families would be deterred from aspiring to enter the Civil Service by the system of open competition, but I doubt very much whether they would submit to the very severe discipline which would be required to ensure success. Probably the only way to correct the inequality of mental capacity, which the law of heredity permits us to assume, would be to allow marks for proficiency in gymnastics, in riding, and military drill. This idea has been advocated by some persons in England, and does not appear to be an unreasonable one. I do not think that it is any hardship for Natives of a backward province to be excluded from appointments in their own province. The introduction of more qualified externs might be expected to give an impetus to progress. I speak here of the Covenanted Service, which ought, in my judgment, to be an Upper or Imperial service, the members of which should be fitted to serve in any part of the Indian Empire. For the lower service I would allow a limitation to particular provinces. The present division between Covenanted and Uncovenanted seems to me unmeaning.

1611. Under a system of open competition in India would the successful candidates be regarded as occupying a position inferior to that of persons who enter the service through the channel of the open competition in England?—They would, I think, unless they had a supplementary two years' training in England; and had passed a final examination common to both classes of candidates.

1611*a*. Supposing that the Covenanted appointments were allotted in fixed proportions, a certain number to be obtained by competition in England and a certain number by competition in India, the examinations in each case being open on fairly equal conditions to Native and English candidates alike, and the Statutory system being abolished, how would such a system be viewed?—I think I have answered this question by anticipation. I believe that the allotment of a fixed proportion of appointments, a third or a half, to be competed for in India, the condition of a course of at least two years' training in England being imposed on all successful candidates, would go a long way towards satisfying Indian public opinion. The statutory system might in this case be either retained or abolished, according as it might be found practicable or not to arrange that the conditions of the examination were such as to allow chances of success to others than men of mere book learning alone. I am at least certain that a Civil Service composed almost exclusively of sedentary students, with a prematurely impaired physique, would be altogether undesirable, and on that ground I would impose on all candidates, however selected, a strict test of physical efficiency and some proficiency in physical exercise.

1612. If an open competition were established in India, what should be the preliminary qualifications required on the part of candidates in regard to age, minimum educational attainments, and moral, social, and physical fitness? And should the subjects and conditions of the examination be the same as those prescribed for the competitive examination in England, or should they be different?—I think twenty-one might be the maximum age in India, but I should prefer twenty-two, so as to allow men to complete their University course. I have already said what I think about moral and physical tests, and I do not see how any social test is possible, or understand very exactly what it means. Certainly no one should be excluded from competing on grounds of caste. It might perhaps be desirable to exclude candidates who have not passed the matriculation examination of some Indian University. The Civil Service examination papers would of course be sent out from England, and be examined and assessed in England, and the examiners would be instructed to maintain the same standard for both examinations. The papers in both should be the same.

1613. Circumstances being different in the case of persons who enter through the examination in England and of persons who enter through the examination in India, is there any reason why the rules in regard to pay, leave, pension, &c., should not also be different?—In the Covenanted Service I should prefer to see no difference in the pay of officers, however selected, but I would reduce the present scale of pay by one-forth at least. On the other hand, I would retain the present furlough rules for English candidates alone, and make the furlough allowances slightly more liberal than they are at present. It would not be difficult, I think, to arrange these matters in a way which would not excite and foster jealousy.

1614. How far is the existing system of education in the higher schools and colleges in India well adapted for training young men to the public service? Can you suggest any improvements? Do consider that Indian schools at present develop the force of character and other qualities required for English administration?—The existing system of education in the higher schools and colleges of India affords an intellectual training not dissimilar to that afforded by English schools and colleges. It cannot be said that it is as good as that obtainable in the best English institutions, but it might be made so if Government chose to spend more money liberally. The moral training cannot be so effective so long as the present fundamental differences subsist between the social habits, religious belief, and moral ideas of the East and the West. It is, however, a great error to suppose that the education and discipline of Indian colleges are without moral effects. I believe that those effects are considerable and salutary—especially in the directions of energy and varacity. I believe that young men who have had an English education are more energetic, truthful, and self-respecting than those who have not. About other departments of conduct I cannot, of course, speak with the same confidence.

1615. How far would any system of appointment, which involves a journey to and residence in England, be regarded by the Native community as open to objection on the ground that it requires Hindu candidates to abandon their caste as a condition of entering the Civil Service, or on the ground that it restricts the field of selection to those candidates who are wealthy enough to undertake the cost of a journey to and residence in England?—I do not think that the objections would be strongly felt, and I cannot see why Government should care whether they are or not. On the other hand, it would be advisable, I think, to encourage meritorious poverty by the creation of a reasonable number of scholarships tenable in England.

1616. How far should appointments in each province to Covenanted posts be restricted to Natives of the province concerned?—I do not think that appointments in each province to Covenanted posts should be restricted to Natives of the province concerned. I am satisfied that any restriction of this kind would be resented by the educated classes, and would stimulate rather than retard the growing national consciousness. The Government can always, I suppose, take all relevant circumstances into consideration, when nominating individuals to particular districts. Any difficulties which may exist would be lessened if some offices now belonging to the Covenanted were attached to the Uncovenanted service. This is, I think, desirable on other grounds; but I must leave this topic, like many others, to those who have given greater attention to the subject than I have done, and possess the experience which I am without.

1617. How would the following schemes be regarded by the Native community? And how would you regard them?

A.

The Covenanted Civil Service to be reduced to a fixed number of European officers, admission being by competition in England confined to European candidates only.

The appointments taken from the Covenanted Civil Service to be filled by appointment in India, Natives only being eligible?

B.

The Covenanted Civil Service to be reduced to a fixed number of appointments to be filled by competition in England to which Natives and Europeans alike would be admitted.

The appointments taken from the Covenanted Civil Service to be filled by appointment in India, both Natives and Europeans being eligible.

If either of the above schemes were adopted, how would the Native community view a proposal to combine the higher appointments of the Uncovenanted Service with the appointments taken from the Covenanted Civil Service so as to form an enlarged Civil Service to be recruited in India?

C.

A certain number of appointments in the Covenanted Civil Service to be reserved for Natives;

a certain proportion of that number to be filled by competition or by some other system in India;

the remainder to be filled by competition in England.

—I have already intimated that of these various plans I prefer the last one. None of the plans which give a predominant place to the system of nomination meet with my approval, and I am sure they will be distasteful to those who have most influence on Indian public opinion.

1618. Assuming a system of nomination or of limited competition among nominated candidates, would Native opinion be in favour of giving a preference, as between candidates possessed of certain preliminary essential qualifications, and having, on general grounds, fairly equal claims, in the following or any other order, to (*a*) members of families of tried loyalty and distinguished service; (*b*) persons of good social status and influence in the country; and (*c*) persons of superior educational attainments, such as persons who have taken the degree of M.A.?—Under a system of limited competition the interests of the classes mentioned would, I suppose, be sufficiently considered in the selection of competitors. I certainly would not allow their claims to count for anything in the examination.

1619. How would the Native community regard a system of nomination on the ground of merit and ability shown in the service of Government, or in the exercise of a profession, alternating with a system of selection by means of competition, whether entirely open or amongst nominated candidates?—I doubt whether a scheme of this kind would be satisfactory in practice, though doubtless there is much to be said for it. If the nominations were really restricted to merit and ability shown in the service of Government, I should be disposed to regard it with favour.

Mr. *Nulkar.*

1620. As regards this *esprit de corps* which you speak of, are periodical gatherings of graduates held in Bombay and Puna?—Yes, and occasionally they dine together and have *soirées.*

1621. Graduates of all classes, castes and religions take part in these social gatherings?—Yes.

1622. Have you considered the comparative expense of education in Europe and in India?—I have, and have written about it occasionally in order to correct impressions which seem to prevail. One impression to which I refer is that the Government gives the higher education to a considerable extent gratuitously to young men in this country; probably as compared with Germany and France, the cost to parents in this country is greater. In England there is a general impression that education is expensive and that is easily explained. The scale of living is higher, the necessity of calling in supplementary aid in the way of extra tuition, to enable persons to face a severe competition, has raised the cost of education for parents in some cases; but the essential and necessary expenses of education at many of the public schools and Universities are still very small in England, owing to the liberality of former times. At the Bombay Elphinstone College Rs. 120 is the fee paid by students for instruction. They pay something more, of course, for lodging. Those who live in the college have to provide their own books, feed and maintain themselves. Rs. 120 is what they pay for instruction simply per annum. When before the Education Commission, I wrote something on the subject. I happened to have a young relative studying at the University at Bonn, and gave the list of lectures which he attended and the fees he paid for attendance. Certain lectures were entirely gratuitous, but the total aggregate of what he paid in a year was considerably less, estimated in German money, than what would be paid by a student in a college affiliated to an Indian University. I may mention also that at the very ably conducted Grammer School in the north of England, at which I was educated, the only fee for instruction was £1 to the head master and 10*s.* to the second master. Many of the boys who lodged in the town did not get the advantages of living in the head master's house; and I have known boys at that school who certainly did not spend more than £40 or £35 for maintenance during the year; and I could mention two or three boys from that school who have since got into the Indian Civil Service, and who, after twelve years' service, are now drawing between Rs. 2,000 and Rs. 3,000 per month.

1623. You say the standard of efficiency of Indian educational institutions is not quite up to the mark of that of English educational institutions?—Of course I am comparing it with the best English colleges. I could mention some colleges at Oxford in my time where there was very little taught at all.

1624. You say the defect as regards Indian education could be remedied?—If the advantages offered were greater, you would, of course, get superior men in the Educational Service to what you do now.

1625. How would that question be affected if Government gradually withdrew its direct connection with public institutions?—That would depend on the amount of enthusiasm developed in the community for education.

1626. Is the time come for Government to withdraw?—I think not.

1627. If it did, would the standard of instruction deteriorate or remain the same?—I am inclined to think it would deteriorate.

Mr. *Stewart.*

1628. You advocate a simultaneous examination in India, and would not object to the number of appointments available for Natives being limited. Do you not think such a system might create an impression that the men who passed in India were somewhat inferior to those who passed in England?—Not if the examinations were similar.

1629. Do you think that Natives generally, the Press, and leaders of public opinion, would be content with that arrangement?—I am inclined to think they would not; but I do not know whether political content is ever attainable in this country. I believe the principle contended for by the Press and expressed by the National Congress the other day is absolute and complete equality between the two classes.

1630. Do you think that arises from a kind of expectation that Natives will show themselves better than Europeans and obtain most of the appointments?—It assumes that it is a matter of indifference whether the persons selected are Europeans or Indians, so long as they have gained higher marks in the examination. If the age were raised, all the candidates selected in one year might possibly be Indians. It is a principle I do not accept myself. To obviate what is felt to be the hardship of sending persons to England on the chance of success at the examination, there might be an initiatory examination held in this country, those who passed it being sent to England for three years, and having to pass a final examination at the end of that period.

1631. Would they go to England on the understanding that they would be appointed finally ?—If they fulfilled certain conditions.

1632. Why do you say such a system would have given satisfaction a few years ago and would not now ?—I think it would not be sufficient now.

1633. You think nothing would satisfy them but an out and out competitive examination ?—An absolute competitive examination is what is demanded by a great many persons, and the idea seems to find favour with the majority of persons interested in the subject, and I think it would never have arisen if concessions had been made at an earlier time.

1634. Do you think that in the next five years there would be a vast preponderance of Natives succeeding ?—If the age is raised and a simultaneous examination introduced, undoubtedly a great many more would succeed. I do not say there would be a preponderance.

Mr. *Crosthwaite.*

1635. When you say such and such a plan would be regarded with favour or disfavour, what have been your opportunities of knowing ? With which class of Natives do you principally come in contact ?—The citizens of Bombay generally.

1636. Have you resided at all in the interior of the country ?—Not permanently.

1637. Have you come which in contact with the landowning class ?—Very little.

1638. Do you think it is the duty of Government in making appointments to look to the efficiency of the service, or merely to pleasing the different classes of the Indian community ?—The efficiency of the service, certainly.

1639. And in advocating a system of simultaneous examinations, do you think you sacrifice anything of the efficiency of the service ?—Not on the conditions on which I advocate it, namely, a limited number to be selected, and that limited number to be raised to the highest standard by subsequent training and association with Englishmen. I have always felt, and still feel, that the directive element, the superior service, must for a long time be preponderatingly English. I have also held, along with that view, that it is an injustice to the country not to allow its most capable sons an opportunity of acquiring a knowledge of the higher responsibilities of Government. Therefore, I should always leave the door open to such men to share in these higher responsibilities; as also, as a matter of abstract justice, I think it expedient to do so.

1640. Do you think we should get as good men by a system of selection in India and subsequent training in England as by insisting on their passing in England, which would involve some longer period of training in England ?—Well, the present system is only open to those who are willing to part with their children at a very tender age. Most of those who get on now are, I believe, Anglicised Indians, who have resided in England for several years, and whose parents have also been there. A Bengali gentleman who passed through here the other day was taking a son of about twelve or thirteen to England, where he will probably study for several years.

1641. Is it not better for the administration of this country to have men of that class in the service, so as to Anglicise it as much as possible ?—

I think that it is better to send a young man at the age of nineteen to twenty-three or twenty-four. One does not wish them to be completely denationalised as a boy removed from his parents and country so very young might be.

1642. Do you think there is any practical difficulty in the way of having simultaneous examinations?—I think not. I would have the examination in India held under conditions which should make it least likely to be a failure. Bombay would be the best place, because then the papers would not pass through the Indian Post Office.

1643. You think that is an objection?—Yes.

1644. And how would you manage about the *vivâ voce* part of the examination?—I incline to think that it would be necessary to have persons sent out here as examiners.

1645. You think that unless that were done it would be impossible to have a *vivâ voce* examination?—I think the test would not be satisfactory otherwise.

1646. The *vivâ voce* examination very often determines the decision between two candidates, does it not?—Yes.

1647. And if it should be conducted by two examiners, the candidates would scarcely be satisfied?—I think if the examiners had been working together, there would be no room for objection.

1648, Would it be possible to obtain that?—I think so. There are groups of persons who have been accustomed to examining candidates for service in India. The Commissioners would select such of these as they had the highest confidence in and send them out here.

1649. You said you would reduce the present scale of pay in the Covenanted Service by one-fourth, and you say that it would not be difficult to arrange these matters in a way which would not excite and foster jealousy. Do you advocate the reduction for the sake of avoiding jealousy, or because you consider the present pay too high?—I am inclined to think that on the general principle of economy there might be a reduction.

1650. Do you think the reduction of one-fourth might not materially affect the quality of the candidates?—I should wish the quality of the candidates to be regarded. I have not considered this matter with very great attention myself, and I should not like to hazard an opinion. In respect to the two-thirds, there is a jealousy of the higher service, in which I wish, and always have wished, that a certain number of Natives should be associated and placed as completely on a footing of equality, in pay and power, with their collegues, as possible.

1651. But is that possible so long as we require European agency, For instance, in the mills and on railways, are we not obliged to pay a European more?—Perhaps you are at present, and in those cases I should be willing to sacrifice something of principle for the sake of the general benefit which will result.

1652. You propose to level down and not up?—Generally, I thought the scale of Civil Service payments might be reduced; but I adhere to the view that in the Government service all should be paid equally.

Sir *Charles Turner.*

1653. Are there not many European gentlemen in the Educational

Department who have taken good degrees at Oxford and Cambridge Universities?—Yes, I have seen the Bengal list, which showed an unusual number of such men: I have not seen the Madras list lately. Most of the men in the upper service here have taken honours.

1654. Do you think that the quality of the candidates available for the competition in England would be higher or lower if the age of admission is advanced or retained at its present limit?—I have always been in favour of the higher limit of twenty-three. It was the limit when I first came out to India, and, judging from my experience of the Presidency and the men I have known, I was always unable to understand why any change was made, considering what excellent men were obtained under that system.

1655. Is it your experience that Englishmen, as a rule, decide upon the profession they will follow before or after they have completed their University course?—I think, to a very great extent, it is their parents who decide for them.

1656. Is it not the more general rule, in the case of a youth whom it is decided to send to a University, that the selection of a profession for him is left till he has completed his course there?—I think it depends a good deal on the family means. A great many certainly do not make their choice of a profession till they have completed their University course.

1657. And is it not a fact that the greater number of such men are men who are not intended for the Church but for some other profession?—I think so.

Mr. *Stokes.*

1658. Has a graduate, when he has taken his degree, paid the whole cost of his education to the State in fees?—The majority do, excluding, of course, those who take scholarships. I could not tell you exactly what the degree costs to the State. It is greater or less according to the number of scholarships or endowments which exist in a particular college.

1659. These scholarships and endowments are very often supplemented by Government grants?—Government has done so in many cases.

1660. . You cannot tell us the average cost of a B.A. to the State?—I think you would find it given in Mr. Lee-Warner's report.

1661. When the age limit was twenty-three, the conditions of the service were a good deal better than they are now;—for instance, exchange was not so low; there was no risk of having to serve under Natives of the country; and the service, in fact, was not so well known?—Those facts will, of course, have to be taken into consideration as affecting to some extent the class of men we should get. I do not suppose that the service is looked upon as quite so desirable now as what it was, according to what I have heard.

Sir *Charles Turner.*

1662. Has not the competition for employment in England intensified in a greater degree also?—Not among the more eminent men. I have known men who came out at that time regret that they did, because they have seen class-mates and friends rise to higher posts in England.

The *President.*

1663. Is there any other point on which you have anything to say?—No.

EXAMINATION OF

THE HON'BLE SIR CHARLES SARGENT, KNIGHT,

BARRISTER-AT-LAW; CHIEF JUSTICE, HIGH COURT, BOMBAY.

The *President*.

1745. I believe the special point on which you wish to give your views is the admission of Natives to the Judicial Service. Will you kindly state what you consider the proper policy to adopt?—As I understand the Government are anxious that Natives should have a larger share in the administration of the country, it appears to me, at any rate in this presidency, it can be best done by admitting them to a larger extent than they are admitted at present into the judicial branch. At present all the Subordinate Judgeships are held by Natives of the country, and I think that, not only without any prejudice to the administration of justice, but indeed with some benefit to it, the Subordinate Judges and other Natives who have had the requisite legal training might be appointed to the posts of Assistant and District Judges now held by Covenanted Civilians. Of course they would have to be selected with care; but I think the body of Subordinate Judges, the Native advocates and High Court Pleaders would supply all you could want as regards both ability and integrity. When I say that it would probably be for the benefit of the administration of civil justice, it is to be remembered that under the system which prevails, I believe throughout India, the Civilian Judges perform almost exclusively appellate functions, and it is almost impossible to expect that men would perform appellate duties satisfactorily who have never done any Original work. I am aware that Assistant Judges can have, under the Act, Original work given them by the District Judge, but it is, I am informed, a very uncommon thing, so that you may practically say that Civilian Judges who are brought out here begin at once to perform appellate functions. The rule in this presidency is that after four years a Civilian must elect whether he will enter the Judicial or Revenue branch of the service. Supposing him to come out with some knowledge of law—it cannot be very much—and with some slight experience in the administration of justice in the English Courts, during the first four years of his service he does no judicial work whatever except as a Magistrate. When, after four years, he begins to take up judicial work which, as I said before, consists of appeals from the Subordinate Judges, you would scarcely suppose it likely that young Civilians would, under these circumstances, be better Judges than the Subordinate Judges, many of whom have been already for several years engaged in judicial work. Every now and then, of course, there is a brilliant exception, but I must say that my experience is that on the whole, and particularly as regards the decision of questions of fact, the administration of justice suffers from the appeals lying to young Civilian Judges. And indeed, generally speaking, I should say that owing to the acquintance of the Subordinate Judges with the ways, manners, and customs of the country being vastly superior to that of the Civilian Judges, the result is, that on questions of fact the findings in the Appellate Courts, where they differ from those of the Court below, are more generally wrong than right; and if that is so, of course the administration of justice suffers. But although this is true from a lawyer's point of view, I have every reason to think that the Civilian Judges who have been in the country for many years enjoy the entire confidence of the people, by reason of their being in no way biassed by the surroundings which are not unnaturally supposed to affect Native Judges, more or less living amongst the people and having relations among them; and in that way I say they have the confidence of the people, who, it is quite possible, would prefer that these appeals should still be heard by Civilian Judges. That, however, is quite another question: and I am speaking strictly judicially, when I say that I do not think the administration of justice gains on the whole by the appeals being heard by Civilian Judges. If you ask me as a Judge and nothing more to say whether I think the decisions in these Appellate Courts are as a rule more correct than those of the Original Courts subordinate to them, I should say that they are not. Therefore, I say, the administration of justice derives no benefit from the system except in the way I have mentioned, *viz.*, that the Civilian Judges have, notwithstanding, the confidence of the country.

1746. Do you propose to separate entirely the Judicial from the Executive line?—I think it could be safely done as regards the administration of civil justice.

1747. And to give all the District Judgeships to Subordinate Judges? —I think the whole of the Civil Judicial administration, as distinguished from the Criminal Judicial administration of this country, might be provided for mainly from the Subordinate Judges. By the Act of 1876 all Revenue questions are withdrawn from the jurisdiction of the Civil Courts, which have jurisdiction only where the claim is based on a *sanad* from the British Government, or the Bombay Government under the Summary Jurisdiction Act of 1863.

1748. Questions, for instance, involved in taking up land for railways and roads; do they go to the Civil Courts?—If you mean questions of compensation to be paid for land taken for public purposes, they do where the Collector cannot come to terms with the parties, but there is an appeal to the High Court.

1749. Questions of reserves for forests and the like?—They generally turn upon infringement of the Special Act and come before a Magistrate.

Sir *Charles Turner.*

1750. When you speak of the deficiencies you have noticed in the Appellate Courts, are you speaking of the service generally, or only with reference to some members of it?—I am speaking of the service generally. Of course, as I have said, there are brilliant exceptions.

1751. Is there any substantial number of exceptions?—I think not. On questions of fact, a European can hardly be expected to be as good a Judge as a Native in a large class of cases which come before the Courts.

1752. Take two men of equal ability, a Native and a European. After some years' experience, do you not find that they become equally good judges of fact?—This may be so with regard to some of the senior members of the service who have had large experience.

1753. Do you think that European Judges of the High Court, when they have acquired experience of the habits and customs of the people, are not as good judges of fact as Native Judges?—I doubt whether we are in certain cases. I should always attach great importance to the opinion of a Native colleague on those questions of fact upon which the modes of thought and habits of the people have an important bearing. He has a better acquaintance with the ideas and motives which influence his countrymen than we English Judges can have, though of course, after many years' residence in the country, we may be supposed to acquire some knowledge of the people.

1754. Can you tell me whether, when the judgments of the Subordinate Courts of Original Jurisdiction are reversed by the High Court, the grounds of reversal are more frequently questions of law or questions of fact?—I could not say.

1755. Can you tell me in how many cases the High Court reverses the judgments of the Subordinate Judges on questions of fact?—It is only possible in those cases in which a regular appeal lies to the High Court, in cases in which the subject-matter is above Rs. 5,000 in value. But, of course, the great bulk of the appellate work of the High Court consists of special appeals on mere questions of law.

1756. Even in second appeals, you occasionally have to form an opinion whether the question of fact has been rightly decided?—It is principally by reading the judgments of both the Courts that I have formed my impression that the Subordinate Judges are more frequently right on questions of fact.

1757. Is the Subordinate Judge an Appellate Judge?—He is sometimes. A First Class Subordinate Judge has appellate powers sometimes give him.

1758. Have you never, in hearing second appeals, seen reason to doubt whether the Subordinate Judge's decision in appeal was right?—I think they are generally right. On the other hand, such appeals are not common. Subordinate Judges with appellate powers are rare.

1759. Is there any supervision exercised by the District Judges over the Civil Courts in this presidency?—Certainly; a District Judge can suspend a Subordinate Judge.

1760. Would you propose to confer that power on a Native District Judge?—I do not see why he should not exercise the power. It is all done under the supervision of the High Court.

1761. Have you ever heard that the presence of an English Judge in a district is desirable in that it encourages the Subordinate Native judiciary to independence?—I can well imagine it. I have no doubt that the presence of European Judges has a very beneficial moral effect.

1762. Have you not as a Judge of the High Court experienced very great advantage from the association with you as colleagues of gentlemen who have been familiar with the administration of the country?—Of course, when you have to deal with special tenures and questions of that kind, there is no doubt that the Civilian Judges are of great service to the Barrister Judges.

1763. And also when questions arise as to the policy of the Government in making administrative orders? For instance, has it not been your experience that your Civilian colleague was able to tell you that such an order was passed so many years ago and for what reasons?—Certainly. Personally, I should say I have derived the greatest assistance from Civilian Judges in all matters of that nature.

1764. May I ask whether the prizes for the Judicial Branch of the Civil Service are as great as the prizes for the Executive Branch?—Up to quite lately promotion was very slow on the Revenue side, and there was a tendency to come over to the Judicial side. That has been done quite lately by two or three Civilians.

1765. But before that I have been given to understand the most promising men went to the Revenue side?—I have been told so, though nothing I have observed myself would lead me to that conclusion. Since I have been in India, I have known some very able Civilians amongst the Judges.

1766. You told us that on questions of fact you considered Natives the better judges. On questions of law which do you find the better judges?—Well, I think there is very little difference between them. It is on questions of fact that the Subordinate Judge has the advantage. I do not think that in matters of law he is any better.

1767. Have you found, speaking generally, that an officer who has gained a reputation as an Executive officer will, if he elects the Judicial service, also distinguish himself above his fellows as a Judge?—That case can scarcely present itself in this presidency. A man would not be allowed, I presume, to enter the Judicial department here after a certain time. Nearly all enter the Judicial service as young men.

1768. How long has this separation of the services obtained in this presidency?—A long time, I believe. Certainly, as long as I have been in India.

1769. With regard to the administration of Criminal justice, will you tell us whether you have any reason to think that Native Judges would administer Criminal justice equally as well as they do Civil justice, supposing them to have the necessary experience?—My principal objection to their appointment would be the political aspect of the question. I doubt their having the same moral courage in the discharge of their duties under such trying circumstances as might possibly arise from time to time. Moreover, it is in the exercise of the Criminal administration of justice that the power of the British Raj is especially brought home to the general mass of the population.

1770. Do you see a good deal of the work of the Native Magistracy?—Yes.

1771. Is it fairly good?—Yes. But I must tell you that I have not much experience of Criminal work, and I should not like to speak with much certainty about the comparative work of European and Native Magistrates. Naturally, I should suppose the European to be the better Criminal Judge, at least from a European point of view. I have never myself thought it possible, at any rate at present, that Natives could be introduced to a greater extent into the Criminal administration of the country, because I consider it absolutely necessary for the maintenance of the proper supremacy of the British Government in the country that the Criminal administration should remain substantially in our own hands. I did not intend my previous remarks to apply in any way to the Criminal administration.

1772. Do you think you could possibly effect such a separation of the Civil and Criminal functions of the District Judge as you desire to see effected with due regard to administrative convenience ? Have you at the present moment any Judges who go on circuit ?—None. But I think under a new system there might be some five or six Sessions Judges, Europeans, who would go on circuit.

1773. Do you know whether, in any parts of India where Judges are required to hold Sessions at a distance from their headquarters, any difficulty has been found in getting them to do so in the hot weather ?—I should think that at the present day there would practically be no great difficulty.

The *President.*

1774. I suppose there is easy communication from the headquaters of one district to another ?—Oh, yes.

1775. And these five Sessions Judges might be selected from the best European Magistrates ?—Yes.

Sir *Charles Turner.*

1776. And what promotion would you provide for the Sessions Judges afterwards ?—We might have one in the High Court.

1777. Would it not be inconvenient to have in the High Court a Judge who had had no experience of Civil Judicial work ?—He would take part in all the Criminal business and might hold the Sessions. But I must admit that his not having had experience in the administration of Civil justice would diminish his usefulness in the Court.

1778. Should you not also have a Judge in the High Court acquainted with executive administration ?—He is not required under the present system.

The *President.*

1779. Have Commissioners as Revenue officers to deal with cases of a Civil nature,—rent suits, for instance,—or do these cases go to the Civil Courts ? In the Punjab our Revenue Courts decide questions between landlord and tenant.—No ; they do not do that here.

Sir *Charles Turner.*

1780. Do the Civil Courts in this presidency decide rent questions ? —Yes.

1781. And the Revenue authorities decide Revenue cases ?—All claims by Government. You will find, however, some exceptions, if you look at Act X of 1876, where the Civil Court has jurisdiction still. The intention originally was to take away the jurisdiction entirely, but I believe the High Court protested very much against it, and they left us some jurisdiction confined to questions where there is a *sanad* from the British Government or the order has been made under the Summary Act.

1782. There are cases in which the rights of the Crown are concerned to a very considerable extent which come before the Civil Courts of this country ; for instance, the Government may sue to recover possession of land ? —Such cases are sure to come up to the High Court on appeal.

1783. The Kanara cases were tried by the High Court, were they not ?—Oh, yes. I cannot see how any very important question could ever arise in which the Government was interested which would not find its way to the High Court.

1784. Such cases, I presume, you might remove to the High Court by transfer, if necessary?—Under proper circumstances.

1785. Do you think a Native Subordinate Judge might be appointed as a Court of first instance in the presidency town to take some of the business which now comes before the High Court?—No doubt he might be.

1786. Do you see any objection to it: or if the number of Judges in the Small Cause Court was increased and that Court had Ordinary Original Jurisdiction given it?—Of course you might do it, but where would be the advantage?

1787. Would you not increase the number of appointments for Natives and provide a less costly *forum* for suitors? Is not a great deal of the litigation in the High Court exactly of the same character as a Subordinate Judge would try beyond the boundaries of the Court's jurisdiction?—No doubt it is.

1788. Are not, in fact, a considerable number of the cases which come before the High Court ordinarily cases of simple contract or cases relating to the possession of a small house or piece of land, or for the partition of a small estate?—Some of them are.

1789. Has not the heavy expense entailed on suitors who have recourse to it been a subject of objection to the retention of jurisdiction by the High Court in cases of small value?—I quite admit that. The transfer of jurisdiction has hitherto been proposed to us as a source of profit to Government by the Court-fees which would be introduced according to the system prevailing in the múfasal.

1790. Looking at it from the point of view of a suitor, have not cases occurred in your experience where the value of the whole property in litigation in a partition suit has been less than the Court-fees payable in the suit?—There is no doubt about it. In administration suits whole estates are swallowed up in costs.

1791. Are partition cases very frequent among Hindus?—I should say they are not very frequent in Bombay. There are a good many administration suits, and that unfortunate rule which enables the parties to get all their costs out of the estate has had most calamitous results. The Courts are beginning, I hope, to see that that rule operates most injuriously.

Mr. *Stokes.*

1792. You judge of the ability of Civilian Judges to decide questions of fact from the appeals which come before the High Court. These appeals are generally second appeals, I think?—Generally.

1793. And turn nearly altogether on questions of law?—Yes.

1794. So that the question of fact really is secondary?—Of course, you know that questions of law are so mixed up with questions of fact that it becomes necessary to look at the evidence and see how the Judge below has made use of it in applying his law.

1795. You form a judgment on your own observation of cases?—Of course: but I may say that I am expressing an opinion which I have frequently heard expressed by other members of the High Court.

1796. Still your opportunity of acquiring ability in the ascertainment of fact is in no respect superior to that of men who have passed their lives in the múfasal ?—That is true ; but I form my opinion by reading the judgments of the Subordinate and Appellate Courts, and their mode of dealing with the evidence in the case enables me to form an opinion as to the relative value of their findings.

1797. I think you have spent most of your time in India in Bombay ? —Yes, and the greater part of it on the Original side of the Court. But I have been hearing appeals from the múfasal for the last six years.

1798. Is the Criminal work satisfactorily done by the Sessions Judges ?—I think so.

1799. But surely in these cases the main point is generally the decision of questions of fact ?—Where there is not a jury, that is so, of course.

1800. In Criminal cases, do the Sessions Judges fail in their appreciation of questions of fact ?—As a rule, I should say, certainly not. But other Judges of the Court could give you a better opinion, as I have not done much Criminal work on the Appellate Side.

1801. Have they ever sent up cases to you in which, having differed from the jury, they asked the High Court to interfere ?—Yes.

1802. And has the High Court ever agreed with the Sessions Judge as against the Jury ?—It has done so ; but it is not the practice of the Court to interfere with the verdict of the jury, unless it is very clearly against the evidence.

1803. I believe the moral effect of the European Judge sitting in appeal is considerable ?—In that sense, no doubt, it is highly satisfactory ; but if I were asked whether the decisions of the first Appellate Courts are better than those of the Subordinate Judges, I should say I entertain very considerable doubt. Of course the very intention of an Appellate Court is that it should be.

1804. Do you not think that in times of trouble and disturbance it would weaken the hands of Government very much if the whole Civil Judicial agency was in the hands of a class of people on whom they could not count for sympathy ?—As far as the administration of civil justice in this presidency is concerned, I do not think there is danger or risk of any sort or kind.

1805. Have there not been times in the history of India when the Administration and the High Court in Calcutta were by no means on terms of sympathy ?—Those were in days gone by.

1806. Cannot they occur again ?—I should think not.

1807. As regards circuits, how many districts are there in which it would be necessary to hold Sessions Courts ?—I have been told by Mr. Melvill that he thought five or six Judges would be sufficient for going on circuit.

1808. How many Sessions Courts are there ?—I cannot at this moment say. These Sessions Judges would devote themselves entirely to Criminal work.

Mr. *Nulkar.*

1809. I suppose the parties would know the facts better than the Judges, and if they saw that the Subordinate Judge had discerned them better than the Appellate Judge, how then would the public have that confidence in the latter which you speak of ?—Of course the great mass of the people are not involved in litigation.

1810. You have in Bombay several Native gentlemen in the Government service ?—Yes.

1811. Do you not think they would be well fitted to take charge of District Judgeships ?—Without knowing to whom you particularly refer I cannot answer your question.

1812. Have you formed any opinion as to whether it is desirable that Natives should be put in executive charge of districts ?—No: I am not conversant with the subject.

Mr. *Crosthwaite.*

1813. When the Revenue Act was passed, was there not a great deal of agitation against the exclusion of certain suits from the cognisance of the High Court ?—Yes, and I believe provisoes were put into the Act in consequence.

1814. And at any time pressure might be brought upon Government to remove the existing restrictions on the Civil Court's jurisdiction ?—It might so happen, of course.

Sir *Charles Turner.*

1815. The High Court has at present power to call up any case for trial for cause shown ?—Yes.

1816. Do you consider it desirable to appoint to Subordinate Judgeships Pleaders of some experience ?—It would be desirable, but the difficulty is to get them to accept these appointments, because the position of a Pleader of standing is much more profitable.

1817. If you could get Pleaders of some experience to take them, you would prefer to appoint them ?—I cannot say that. The actual administration of Justice in which Subordinate Judges have been engaged is of great importance in forming an efficient Judge.

1818. Do you consider the system of nomination is the best you could get for appointing to judicial offices ?—I have no doubt it is the best for the higher appointments.

1819. And a person who has undergone the prescribed tests for a Pleadership, and has practised, would be a better man to appoint than a person who has passed these tests and has had no practical experience ?—*Cœteris paribus*, this would be so.

1820. Do you consider that the Government or the High Court should have the power of nominating one outside the service to judicial appointments even up to the grade of District Judge ?—Certainly.

1821. You think it desirable that Government should retain the power of appointing a man at once a Subordinate Judge of the first grade or even District Judge ?—Yes; I think the Government should have the power, but should only exercise it in exceptional cases, and after due regard to the claims of Subordinate Judges of proved ability and integrity so as to give the greatest possible encouragement to that important body of officers in the faithful discharge of their duties.

1822. And that these appointments should be made from the Bar ?—Yes, occasionally, as I have stated.

1823. Do you not think you could find men at the Bombay Bar who would be quite worthy of a seat on the High Court Bench ?—No doubt.

Of course Native members of the High Court under this new system would be chosen from the District Judges and the local Bar, including Advocates and Pleaders.

1824. Might not even Barrister Judges be appointed from the local Bar?—They are now.

1825. When you were comparing the relative efficiency of the Covenanted Civilian Judge and the Subordinate Judge, did you refer to all grades of the Subordinate judiciary, or only the first and less experienced grade?—You may compare young Assistant Judges with the Subordinate Judges of the lowest grade and District Judges who have been many years in the country with Subordinate Judges of the highest grade.

1826. And the opinion you expressed was the result of such a comparison?—Yes, but of course always subject to exceptions.

1827. Is there anything further which he would wish to say?—I wish to add that I think a salary of Rs. 1,200 per mensem would be quite sufficient for a Native District Judge. His highest pay as a Subordinate Judge is Rs. 800.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE

Circular No. 22-F.

Extract from the Proceedings of the Government of India in the Department of Revenue and Agriculture (Forests),—dated Simla, the 19th October, 1894.

Read—

Circular Resolution of this Department, No. 17-105-A., dated 15th July 1891.

Chapters VIII and IX of Dr. Völcker's Report on the Improvement of Indian Agriculture.

Review of Forest Administration in British India for 1892-93 by the Inspector-General of Forests.

RESOLUTION,

In Chapter VIII of his Report on the improvement of Indian Agriculture, Dr. Völcker dwells at length upon the importance of so directing the policy of the Forest Department that it shall serve agricultural interests more directly than at present; and in his Review of Forest Administration for 1892-93, the Inspector-General of Forests discusses in some detail the principles which should underly the management of State forests in British India. While agreeing generally with the principles thus enunciated by the Inspector-General of Forests, the Government of India think that it will be convenient to state here the general policy which they desire should be followed in this matter; more especially as they are of opinion that an imperfect apprehension of that policy has, in some recent instances, been manifested.

2. The sole object with which State forests are administered is the public benefit. In some cases the public to be benefitted are the whole

body of tax-payers; in others, the people of the tract within which the forest is situated; but in almost all cases the constitution and preservation of a forest involve, in greater or less degree, the regulation of rights and the restriction of privileges of user in the forest area which may have previously been enjoyed by the inhabitants of its immediate neighbourhood. This regulation and restriction are justified only when the advantage to be gained by the public is great; and the cardinal principle to be observed is that the rights and privileges of individuals must be limited, otherwise than for their own benefit, only in such degree as is absolutely necessary to secure that advantage.

3. The forests of India, being State property, may be broadly classed under the following headings:—

(*a*) Forests the preservation of which is essential on climatic or physical grounds.
(*b*) Forests which afford a supply of valuable timbers for commercial purposes.
(*c*) Minor forests.
(*d*) Pasture lands.

It is not intended that any attempt should be made to class existing State forests under one or other of these four heads. Some forests may occupy intermediate positions, and parts of one and the same forest may fall under different heads. The classification is useful only as affording a basis for the indication of the broad policy which should govern the treatment of each class respectively; and in applying the general policy, the fullest consideration must be given to local circumstances.

4. The first class of forests are generally situated on hill slopes, where the preservation of such vegetation as exists, or the encouragement of further growth, is essential to the protection from the devastating action of hill torrents of the cultivated plains that lie below them. Here the interests to be protected are important beyond all comparison with the interests which it may be necessary to restrict; and, so long as there is a reasonable hope of the restriction being effectual, the lesser interests must not be allowed to stand in the way.

5. The second class of State forests include the great tracts from which our supply of the more valuable timbers—teak, sal, deodar, and the like—is obtained. They are for the most part (though not always) essentially forest tracts and encumbered by very limited rights of user; and when this is the case, they should be managed mainly on commercial lines as valuable properties of, and sources of revenue to, the State. Even in these cases, however, customs of user will for the most part have sprung up on the margins of the forest; this user is often essential to the prosperity of the people who have enjoyed it; and the fact that its extent is limited in comparison with the area under forest renders it the more easy to continue it in full. The needs of communities dwelling on the margins of forest tracts consist mainly in small timber for building, wood for fuel, leaves for manure and for fodder, thorns for fencing, grass and grazing for their cattle, and edible forest products for their own consumption. Every reasonable facility should be afforded to the people concerned for the full and easy satisfaction of these needs, if not free (as may be possible where a system of regular cuttings has been established), then at low and not at competitive rates. It should be distinctly understood that considerations of forest income are to be subordinated to that satisfaction.

There is reason to believe that the area which is suitable to the growth of valuable timber has been overestimated, and that some of the tracts which have been reserved for this purpose might have been managed with greater profit both to the public and to the State, if the efforts of the Forest Department had been directed to supplying the large demand of the agricultural and general population for small timber, rather than the limited demand of merchants for large timber. Even in tracts of which the conditions are suited to the growth of large timber, it should be carefully considered in each case whether it would not be better, both in the interests of the people and of the revenue, to work them with the object of supplying the requirements of the general, and in particular of the agricultural population.

6. It should also be remembered that, subject to certain conditions to be referred to presently, the claims of cultivation are stronger than the claims of forest preservation. The pressure of the population upon the soil is one of the greatest difficulties that India has to face, and that application of the soil must generally be preferred which will support the largest numbers in proportion to the area. Accordingly, wherever an effective demand for culturable land exists, and can only be supplied from forest areas, the land should ordinarily be relinquished without hesitation; and if this principle applies to the valuable class of forests under consideration, it applies *à fortiori* to the less valuable classes which are presently to be discussed. When cultivation has been established, it will generally be advisable to disforest the newly-settled area. But it should be distinctly understood that there is nothing in the Forest Act, or in any rules or orders now in force, which limits the discretion of local Governments, without previous reference to the Government of India (though, of course, always subject ot the control of that Government) in diverting forest land to agricultural purposes, even though that land may have been declared reserved forest under the Act.

7. Mention has been made of certain conditions to which the application of the principle laid down in the preceding paragraph should be subject. They have for their object the utilization of the forest area to the greatest good of the community. In the first place, the honey-combing of a valuable forest by patches of cultivation should not be allowed; as the only object it can serve is to substitute somewhat better land in patches for sufficiently good land in large blocks, while it renders the proper preservation of the remaining forest area almost impossible. The evil here is greater than the good. In the second place, the cultivation must be permanent. Where the physical conditions are such that the removal of the protection afforded by forest growth must result, after a longer or shorter period, in the sterilization or destruction of the soil, the case falls under the principle discussed in paragraph 4 of this Resolution. So again a system of shifting cultivation, which denudes a large area of forest growth in order to place a small area under crops, costs more to the community than it is worth, and can only be permitted, under due regulation, where forest tribes depend on it for their sustenance. In the third place the cultivation in question must not be merely nominal, and an excuse for the creation of pastoral or semi-pastoral villages, which do more harm to the forest than the good they reap from it. And in the fourth place, cultivation must not be

allowed so to extend as to encroach upon the minimum area of forest which is needed in order to supply the general forest needs of the country, or the reasonable forest requirements, present and prospective, of the neighbourhood in which it is situated. In many tracts cultivation is practically impossible without the assistance of forests, and it must not be allowed to destroy that upon which its existence depends.

8. It has been stated above that the forests under consideration are generally, but not always, free from customs of user. When, as sometimes happens, they are so intermingled with permanent villages and cultivation that customary rights and privileges militate against their management as revenue-paying properties, the principles laid down at the end of paragraph 5 of this Resolution should be observed, and considerations of income should be made secondary to the full satisfaction of local needs. Such restrictions as may be necessary for the preservation of the forest, or for the better enjoyment of its benefits, should be imposed; but no restriction should be placed upon reasonable local demands, merely in order to increase the State revenues.

9. The third class of forests include those tracts which, though true forests, produce only the inferior sorts of timber or the smaller growths of the better sorts. In some cases the supply of fuel for manufactures, railways, and like purposes, is of such importance that these forests fall more properly under the second class, and must be mainly managed as commercial undertakings. But the forests now to be considered are those which are useful chiefly as supplying fuel and fodder or grazing for local consumption; and these must be managed mainly in the interests of the population of the tract which supplies its forest requirements from this source. The first object to be aimed at is to preserve the wood and grass from destruction; for user must not be exercised so as to annihilate its subject, and the people must be protected against their own improvidence. The second object should be to supply the produce of the forests to the greatest advantage and convenience of the people. To these two objects, all considerations of revenue should ordinarily be subordinated.

10. It must not be supposed from the preceding remarks that it is the intention of the Government of India to forego all revenue from the large areas that are valuable chiefly for the fuel and fodder which they yield. Cases must be distinguished. Where the areas in question afford the only grazing and the only supply of fuel to villages which lie around or within them, the necessities of the inhabitants of these villages must be treated as paramount, and they should be satisfied at the most moderate rates, and with as little direct official interference as possible. But where the villages of the tract have already ample pasture grounds attached to their cultivation and owned and managed by themselves, and where the Crown lands merely supplement these pastures, and afford grazing to a nomad pastoral population, or to the herds that shift from one portion of the country to another with the changes of the season, Government may justly expect to reap a fair income from its property. Even in such cases, however, the convenience and advantage of the graziers should be studiously considered, and the inhabitants of the locality, or those who habitually graze over it, should have a preferential claim at rates materially lower than might be obtained in the open market. It will often be advantageous to

fix the grazing demand upon a village or a nomad community for a year or a term of years. The system, like every other, has difficulties that are peculiar to it; but it reduces the interference of petty officials to the lowest point, and minimizes their opportunities for extortion and oppression. Where grazing fees are levied *per capita*, free passes are often given to a certain number of cattle. In such cases the cattle which are to graze free should include, not only the oxen which are actually employed on the plough, but also a reasonable number of milch cattle and calves. A cow or a buffalo is as much a necessity to a cultivator, using the word necessity in a reasonably wide sense, as is a plough-bullock; and in many parts the oxen are bred in the village.

11. In the portions of his report which are referred to in the preamble to this Resolution Dr. Völcker strongly recommends the formation of fuel and fodder preserves, and the Government of India has repeatedly urged the same policy upon local Governments. The question whether any particular area can be made to support a greater number of cattle by preserving the grass and cutting it for fodder, or by permitting grazing upon it, is one that must be decided by the local circumstances of each case. But when it has been decided, the issues are by no means exhausted. It has been stated in paragraph 9 above that one main object towards which the management of these minor forests should be directed is, the supply of fuel and fodder "to the greatest advantage and convenience of the people." In doing so, due regard must be had to their habits and wishes. It may be that strict preservation and periodical closures, or the total prohibition of grazing, will result in the largest yield both of fuel and of fodder in the form of hay. But that is of small avail if the people will not utilize the increased supply in the form in which it is offered them. The customs of generations alter slowly in India; and though much may and should be done to lead the people to their own profit, yet it must be done gently and gradually, always remembering that their contentment is no less important an object than is their material advantage. It must be remembered, moreover, that the object of excluding grazing from the preserves in question is the advantage of the *neighbourhood;* and that the realization of a larger income than grazing would yield, by preserving the produce, only to sell it to the highest bidder for consumption in large towns at a distance from the preserve, is *not* always in accordance with the policy which the Government of India has inculcated. Here again circumstances must decide. It may be that the local supply of fuel or fodder, independently of the reserved area, is sufficient in ordinary years for the needs of the neighbourhood. In such a case the produce may legitimately be disposed of in such years to the greatest advantage, reserving it for local consumption only when the external supply runs short. Finally, the remarks regarding agency in paragraph 12, and the more general considerations that are discussed below in paragraph 13 of this Resolution, apply in full force to areas thus reserved for the supply of fuel and fodder.

12. The fourth class of forests referred to are pastures and grazing grounds proper, which are usually forests only in name. It is often convenient, indeed, to declare them forests under the Act, in order to obtain a statutory settlement of the rights which the State on the one hand and private individuals or communities on the other possess over them. But it

by no means follows as a matter of course that these lands should be subject to any strict system of conservation, or that they should be placed under the management of the Forest Department. The question of agency is purely one of economy and expediency; and the Government of India believe that in some cases where these lands are managed by the Forest Department, the expenditure on establishment exceeds the revenue that is, or at any rate the revenue that ought to be, realized from them.

The following remarks apply, not only to forest lands under the Act, whether administered by the Forest Department or not, but also to all Crown waste, even though not declared to be forest. Here the interests of the local community reach their maximum, while those of the general public are of the slightest nature. It follows that the principles which have been already laid down for the management of minor forests apply, if possible, with even greater force to the management of grazing areas pure and simple.

13. The difficulties which arise in connection with these areas are apt to present themselves in their most aggravated form where the tenure of land is ryotwari. In zemindari tracts the Crown lands generally assume the second of the two forms indicated in paragraph 10 of this Resolution. But where the settlement is ryotwari, every survey number or field that is unoccupied or unassigned is in the possession and at the disposal of Government, and trespass upon it is *primâ facie* forbidden. In some cultivated tracts, these unoccupied and waste lands are the only source available from which the grazing requirements of the resident population can be met. The Government of India are clearly of opinion that the intermixture of plots of Government land which are used for grazing only, but upon which trespass is forbidden, with the cultivation of occupancy or proprietary holders, is apt to lead to extreme abuses, and especially so when these plots are under the management of the Forest Department. The inferior subordinates of the Forest Department are perhaps as reliable as can be expected on the pay which we can afford to give; but their morality is no higher than that of the uneducated classes from which they are drawn; while the enormous areas over which they are scattered and the small number of the controlling staff render effective supervision most difficult. It is not right, in order to protect the grass or the grazing dues on plots of waste scattered over the face of a cultivated district, to put it into the power of an underling to pound or threaten to pound cattle on the plea that they have overstepped the boundary between their owner's field and the next. Still less right is it to permit the exercise of the power of compounding offences allowed by section 67 of the Forest Act to depend upon the mere report of a subordinate servant, or to expose him to the temptations which such a power holds out. Where the interests involved are sufficiently important, it may perhaps be necessary to accept the danger of extortion while minimizing as far as possible the opportunities for it. But in the case under consideration the interests involved are trifling, while the opportunities are unlimited.

14. It is to be distinctly understood that the Government of India do not desire that grazing should be looked upon primarily as a source of income. But it by no means follows that all revenues from scattered Government lands should be relinquished. It is, indeed, inadvi-

sable that this should be done, as to do so would give the raiyats an interest in opposing allotment and making things unpleasant for new occupants. But the objections to direct management which have just been pointed out are reduced to a minimum or altogether avoided, when the management is placed in hands of the resident cultivators or of representatives from among them. It will generally be possible to lease or otherwise manage the unoccupied lands of a village through the agency of the community; not, indeed, at the highest price which they are ready to pay to escape such evils as have just been alluded to, but at a moderate estimate of their value to them, fixed in view of the fact that herds and flocks, which cannot exist without grazing, are often a necessary condition of the successful conduct of that cultivation upon which the Government land-revenue is paid. In no case should fields that have been relinquished be let to outsiders at a reduced assessment for grazing purposes, for then we might have speculators, taking up such fields, mainly in order to make what they can out of trespassing cattle.

15. One more point of principle remains to be noticed. The procedure under Chapter IV of the Indian Forest Act, whereby forests are declared to be protected, has been in certain cases regarded by the Government of India as a provisional and intermediate procedure, designed to afford time for consideration and decision, with the object of ultimately constituting so much of the area as it is intended to retain, a reserved forest under Chapter II, and of relinquishing the remainder altogether. The Act provides two distinct procedures. By the more strict one, under Chapter II, existing rights may be either settled, transferred or commuted; and this procedure will ordinarily be applied to forests of the first and second classes indicated in paragraph 3 of this Resolution. By the second procedure under Chapter IV rights are recorded and regulated; and this procedure will often be properly followed where the rights to which the area is subject are extensive, and the forest is to be managed mainly in the interests of the local community. It will ordinarily be applied to forests of the 3rd and 4th classes. This second procedure may indeed be provisional, and introductory to reservation under Chapter II; but there is in the Forest Act nothing repugnant to giving it a larger and even a permanent operation. As regards Government, the chief difference between the two procedures is, that new rights may spring up in a protected, but not in a reserved forest, and that the record-of-rights framed under Chapter II is conclusive, while that framed under Chapter IV only carries a presumption of truth. It is believed that this presumption offers ample security where the object of regulating the rights is to provide for their more beneficial exercise, rather than to override them in the public interest. As regards the people, the chief difference is that, speaking broadly, in a reserved forest everything is an offence that is not permitted, while in a protected forest nothing is an offence that is not prohibited. In theory it is possible so to frame the permission and the prohibition as to make the results identical in the two cases; but in practice it is almost impossible to do so. If it were not so, the distinction drawn by the legislature would be unnecessary and meaningless. It is only where the public interests involved are of sufficient importance to justify the stricter procedure and the more comprehensive definition of forest offences, that the latter should be adopted.

The Governor-General in Council desires, therefore, that with regard both to fuel and fodder preserves, and to grazing areas pure and simple, and especially to such of them as lie in the midst of cultivated tracts, it may be considered in each case whether it is necessary to class them, or, if already so classed, to retain them as forest areas; and if this question is decided in the affirmative, whether it would not be better to constitute them protected rather than reserved forests.

16. Such are the general principles which the Government of India desire should be observed in the administration of all State forests in British India. They are fully aware that the detailed application of these principles must depend upon an infinite variety of circumstances which will have to be duly weighed in each case by the local authorites, to whose discretion the decision must be left. One of the dangers which it is most difficult to guard against is the fraudulent abuse of concessions for commercial purposes; and only local considerations can indicate how this can best be met. The Government of India recognize the fact that the easier treatment in the matter of forest produce which His Excellency in Council desires should be extended to the agricultural classes may, especially in the case of true forest areas, necessitate more careful supervision in order that the concession may be confined within its legitimate limits. But, on the other hand, they think that, in some Provinces, it will render possible a considerable reduction of existing establishment; and they desire that this matter may be carefully considered with reference to what has been said above in paragraph 12. They know also that in some Provinces forest policy is already framed on the lines which they wish to see followed in all. But the Governor-General in Council believes that local Governments and Administrations will be glad to receive the assurance now given them, that the Supreme Government will cordially support them in recognizing and providing for local requirements to the utmost point that is consistent with Imperial interests. Where working-plans or plans of operation are framed for forests, the provisions necessary for this purpose should be embodied in them. The exercise of the rights that have been recorded at settlement will necessarily be provided for in these plans. Where further concessions are made by way of privilege and grace, it will be well to grant them for some such limited period as ten years, so that they may, if necessary, be revised from time to time, as the circumstances on which they were moulded change.

ORDER.—Ordered, that a copy of this Resolution be forwarded, for information and guidance, to the Governments of Madras and Bombay, to the local Governments and Administrations noted in the margin, and to the Inspector-General of Forests: also that it be published in the Supplement to the *Gazette of India*.

Bengal.
North-Western Provinces and Oudh.
Punjab.
Central Provinces.
Burma.
Assam.
Coorg.
Ajmere
Andamans.
Baluchistan.
Hyderabad.

(True Extract.)

DENZIL IBBETSON,

Offg. Secretary to the Government of India.

EAST INDIA (ATTEMPT UPON THE LIFE OF HIS EXCELLENCY THE VICEROY).

R ~~2676~~

6

CORRESPONDENCE

RELATING TO THE

ATTEMPT UPON THE LIFE OF HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL,

ON THE OCCASION OF THE

STATE ENTRY INTO DELHI,

On 23rd December, 1912.

Presented to Parliament by Command of His Majesty.

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EAST INDIA (ATTEMPT UPON THE LIFE OF HIS EXCELLENCY THE VICEROY).

Correspondence relating to the Attempt upon the Life of His Excellency the Viceroy and Governor General, on the occasion of the State Entry into Delhi, on 23rd December, 1912.

No. 1.

Letter from the Government of India to the Most Honourable the Marquis of Crewe, K.G., His Majesty's Secretary of State for India, No. 17 *(Home), dated Delhi, the* 26*th December*, 1912.

It is our melancholy duty to inform Your Lordship that His Excellency the Viceroy and Governor General has been wounded by a miscreant as yet unknown on the occasion of Their Excellencies' Entry into Delhi on Monday, the 23rd December, 1912.

2. It had been decided to signalize this historic occasion with the stately and measured ceremonial of which we enclose the programme. The day was fine and large crowds had gathered in the sunshine along the whole route. The houses in the Chandni Chowk were packed with people. At 11.45 a.m., about half-way down the Chandni Chowk, on the way from the Railway Station to the Fort, a bomb was thrown into the howdah of Their Excellencies' elephant. It exploded with terrific force, blowing to pieces the attendant who was standing in the howdah immediately behind Lord Hardinge and seriously wounding the attendant who was standing behind Lady Hardinge. Her Excellency fortunately escaped, but parts of the missile struck Lord Hardinge and inflicted the wounds described in the medical report which we append to this despatch. A boy in the crowd was killed and several of the onlookers were wounded, but complete order was maintained.

3. Their Excellencies did not move in their seats. After recovering his helmet, which had been blown off by the explosion, the Viceroy ordered the procession to go forward. He soon, however, lost consciousness, and was lifted off the elephant and taken in a motor to Viceregal Lodge.

4. When Their Excellencies had departed the procession reformed and continued its progress to the Fort. In the absence of the Viceroy it devolved on the senior ordinary Member of Council, the Honourable Sir Guy Fleetwood Wilson, to read His Excellency's reply to the address of the Imperial Legislative Council and his speech in Durbar. At the conclusion of the proceedings in the Dewan-i-am the procession returned through the Chandni Chowk to the Mori gate as arranged. The crowds had not dispersed or moved, and their conduct throughout left nothing to be desired.

5. We have expressed our thanks to Almighty God that Their Excellencies' lives have been spared, and recorded our admiration of their intrepid bearing. We rejoice to be able to inform Your Lordship that His Excellency is making good progress and that his condition does not cause anxiety.

6. The loyal heart of India has been profoundly stirred by this dastardly outrage, and a great cry of indignation and grief has risen from one end of the Continent to another, from the Princes and from the people.

7. We are not yet in a position to formulate any theory as to the origin of the outrage or to weigh its political significance. The bomb, which contained picric acid, is believed to have been thrown from the upper part of the house of the Punjab

(28673—3.) Wt. 42040—229. 1500. 3/13. D & S.

National Bank. We have called on the local authorities to send us a full report, and Your Lordship may rest assured that no effort will be spared to discover the criminal and the influences behind his nefarious act.

We have, &c.,
(Signed) O'MOORE CREAGH.
,, GUY FLEETWOOD WILSON.
,, R. W. CARLYLE.
,, SAYED ALI IMAM.
,, HARCOURT BUTLER.
,, W. H. CLARK.
,, R. H. CRADDOCK.

Enclosure 1 in No. 1.

Programme of the State arrival of Their Excellencies the Viceroy and Lady Hardinge at Delhi, on the 23rd December, 1912.

THEIR EXCELLENCIES THE VICEROY AND GOVERNOR GENERAL AND LADY HARDINGE will arrive by special train at the Delhi main station at **11** a.m. on Monday, the 23rd December, 1912, and will proceed from the railway station to the Delhi Fort, and thereafter to the Circuit House by the route and in the order of procession hereinafter indicated.

2. Their Excellencies will be received on arrival by—

- His Honour the Lieutenant-Governor of the Punjab and his personal staff.
- His Excellency the Commander-in-Chief and personal staff.
- The Ordinary Members of the Governor General's Executive Council.
- The Chiefs present in Delhi.
- The Principal Officers of the Punjab Government.
- The Chief Commissioner of Delhi.
- The General Officer Commanding the Northern Army and staff.
- The General Officer Commanding the 7th (Meerut) Division.

As Their Excellencies alight from their carriage, the band drawn up on the platform will play the National Anthem. At the same time a Royal salute of 31 guns will be fired from the ramparts of the Fort.

After Their Excellencies have exchanged greetings with His Honor the Lieutenant-Governor of the Punjab, His Excellency the Commander-in-Chief, the Members of Council, the Chief Commissioner of Delhi, Ruling Chiefs other than of the Punjab, the General Officer Commanding the Northern Army and the General Officer Commanding the 7th (Meerut) Division; His Honour the Lieutenant-Governor will introduce to Their Excellencies the Chiefs and principal officials of the Punjab.

An address of welcome will then be presented by the Delhi Municipal Committee, to which His Excellency will reply. At the conclusion of the address Their Excellencies will leave the station and will be saluted by the Guard of Honour drawn up outside the entrance.

3. After His Excellency has inspected the Guard of Honour,* Their Excellencies will mount their elephants and, accompanied by His Honour the Lieutenant-Governor and staff, His Excellency the Commander-in-Chief and staff, Members of the Executive Council and the Punjab Chiefs, will proceed in procession to the Delhi Fort, where a Durbar will be held in the Diwan-i-am.

The following will be the line of route of procession:—

Queen's Gardens.
Town Hall,
Chandni Chowk,
through the Lahore Gate of the Fort to the
Naubat Khana.

---

* NOTE.—While his Excellency inspects the Guard of Honour, the Chiefs and officers taking part in the procession will leave the station yard by the east gate and proceed to mount their elephants which will be drawn up along the Queen's Road. A special train will be in waiting to convey the Municipal Committee and those officers not taking part in the elephant procession to the Selimgarh Bastion station, from which place they will make their way on foot to the Diwan-i-am.

Those Chiefs not taking part in the elephant procession will proceed immediately by motor to the Diwan-i-am leaving the station by the side entrance.

4. The Procession will be formed in the following order:—

The Superintendent of Police, Delhi.
The Chief Commissioner of Delhi and his staff.
Staff Officer of the Viceroy's Escort.
1 Squadron British Cavalry.
1 Battery Horse Artillery.
3 Squadrons British Cavalry.

Orderly Officer, Viceroy's Escort.	Orderly Officer, Viceroy's Escort.

General Officer Commanding, Viceroy's Escort.
Staff of the General Officer Commanding the Northern Army.
The General Officer Commanding the Northern Army.
Viceroy's Body Guard.
Imperial Cadet Corps.

(ON ELEPHANTS.)

2 Indian Aides-de-Camp to the Viceroy.

2 Aides-de-Camp to the Viceroy.	2 Aides-de-Camp to the Viceroy.
2 Aides-de-Camp to the Viceroy.	Surgeon to the Viceroy. Honorary Colonel Nawab Sir Hafiz Muhammad Abdullah Khan, A.-D.-C.
The Military Secretary to the Viceroy. Honorary Lieutenant-Colonel Nawab Sir Muhammad Ali Beg, Afsar-ul-Mulk Bahadur.	The Secretary to the Government of India, Foreign Department. The Private Secretary to the Viceroy.

THEIR EXCELLENCIES THE VICEROY AND LADY HARDINGE.

2 Personal staff of His Excellency the Commander-in-Chief.	2 Personal staff of His Excellency the Commander-in-Chief.

His Excellency the Commander-in-Chief and Lady Creagh.

The Hon'ble Sir Guy Fleetwood Wilson.
The Hon'ble Sir Robert Carlyle.

The Hon'ble Sir Harcourt Butler.
The Hon'ble Saiyid Ali Imam.

The Hon'ble Mr. W. H. Clark.
The Hon'ble Sir Reginald Craddock.

The Mohammedan Raises and Maliks of the Punjab. (On horseback.)

2 Personal staff of His Honour the Lieutenant-Governor of the Punjab.	2 Personal staff of His Honour the Lieutenant-Governor of the Punjab.

His Honour the Lieutenant-Governor of the Punjab and Lady Dane.
The Punjab Chiefs.
Indian Cavalry Regiment.

5. Their Excellencies and staff, the Commander-in-Chief and staff and the Members of the Governor General's Executive Council will alight from their elephants at the entrance to the Naubat Khana. Those taking part in the Punjab procession to the Diwan-i-am will alight at the side entrance and form up in readiness for the procession.

*(For proceedings in Durbar see separate programme.)**

6. At the conclusion of the Durbar and on the return of the procession to the Naubat Khana, Their Excellencies and those taking part in the elephant procession will remount their elephants and proceed in procession as before to the Mori Gate.

The route to be followed will be—

The Delhi Gate of the Fort,
Khas Road past King Edward's Statue
(round the Juma Masjid leaving it on the right),
Esplanade Road,
Chandni Chowk,
Dufferin Railway Bridge,
Mori Gate.

On reaching the cross roads outside the Mori Gate, the elephants of Their Excellencies and staff will be halted in order that Their Excellencies may take farewell of the Punjab Chiefs and have an opportunity of viewing the procession which will pass along the Rajpur Road.

Their Excellencies will then alight from their elephant and proceed by carriage to Viceregal Lodge *viâ* the Mori and Alipur Roads.

On arrival at the Viceregal Lodge, a royal salute of 31 guns will be fired and the Guard of Honour will salute as Their Excellencies alight from their carriage.

LEVÉE DRESS WILL BE WORN BY OFFICERS ENTITLED TO WEAR CIVIL UNIFORM,
FULL DRESS BY MILITARY OFFICERS, AND GENTLEMEN NOT ENTITLED
TO WEAR UNIFORM, MORNING DRESS.

A. H. McMahon,
Secretary to the Government of India
in the Foreign Department.

Enclosure No. 2 in No. 1.

Medical Report on the condition of His Excellency the Viceroy, dated Viceregal Lodge, Delhi, the 23rd December, 1912, 1.30 *p.m.*

A portion of the projectile struck the back of the right shoulder along the inner border of the shoulder blade. It passed upwards and came out through the skin along the upper line of the shoulder, causing a wound four inches long, exposing muscle and bone. There is no injury to the lungs.

A fragment caused a small wound on the right side of the neck, but this is not serious.

There are also four small wounds caused by nails on the back of the right hip—all these are slight. There has been moderate loss of blood, but the shock has been severe, and there is some deafness caused by the explosion. His Excellency soon after his injuries lost consciousness, but recovered quickly.

The wounds have been dressed, and His Excellency is now fairly comfortable.

(Signed) T. R. Roberts, Lt.-Col., I.M.S.,
Surgeon to His Excellency the Viceroy.

No. 2.

Despatch from the Most Hon. the Marquess of Crewe to the Government of India, No. 20 *(Public), dated* 17*th January,* 1913.

I have read with interest and deep sympathy the despatch issued by your Council in the Home Department, and dated the 26th of December, 1912, describing the terrible events of the previous Monday.

2. It is not necessary to enlarge upon the emotions of horror and disappointment which affected the whole of this country at such evidence that the sinister agencies of violence and crime, which it was hoped had been reduced to impotence by stern determination to repress outrage and not less by continued endeavour to satisfy the legitimate aspirations of the people of India, are still ready and able to perpetrate an act so brutal and so senseless.

3. I am confident that the conviction is here firmly held, the truth of which is entirely confirmed by your despatch, that India as a whole, from the Princes who rule over the Native States to the humblest cultivators of the soil, regards the crime with loathing, being moved not less by resentment at the attempt than by gratitude at its comparative failure.

4. It is a matter for profound thankfulness that Your Excellency was not more gravely injured, and that Lady Hardinge escaped unhurt; but we all deeply deplore the cruel sacrifice of innocent lives. At the same time, I cannot refrain from expressing sincere admiration of the calm courage shown by Your Excellency, and also by Lady Hardinge, in a moment of such sudden peril, courage which was fitly manifested by yourself, and which also inspired the Members of your Council in the resolve to carry though the ordered proceedings of the day as though no such untoward interruption had occurred. We regard this action with pride as being symbolical of the spirit and purpose of British rule in India.

I have, &c.,
(Signed) CREWE.

EAST INDIA (MOPLAH REBELLION).

(7)

Telegraphic information, &c., regarding the Moplah Rebellion, 24th August to 6th December.

Presented to Parliament by Command of His Majesty.

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EAST INDIA (MOPLAH REBELLION).

A.—Telegraphic Correspondence.

No. 1.

From Viceroy, Home Department, 22*nd August* 1921.

(Telegraphic.)

Following from Madras has been received :—"District magistrate at Malabar, in making arrests under Moplah Outrages Act of dangerous leaders, was assisted by troops and police, who have been heavily attacked at Tirurangadi by armed bodies of Moplahs. Up to the present reported casualties are: one officer of the Leinster Regiment and an Assistant Superintendent of Police and two constables missing. Post offices at Parapandi and Tanur attacked and looted, also railway stations at Parapandi and Kadalundi. Arrangements to send necessary reinforcements made with General Officer Commanding. Apparently detachment of Leinster Regiment at Malapuram are on the defensive with communications cut, also troops and police at Tirurangadi."

We will send further information on receipt.

No. 2.

From Viceroy, Home Department, 24*th August* 1921.

(Telegraphic.)

Moplah riots. Reference my telegram of the 22nd instant. We have received the following further telegrams from Madras :—

1. "Report by district magistrate states that information has been received that two soldiers, one European, sub-magistrate and police inspector captured at Tirur by a mob of 10,000 men. Fate unknown. Office burnt."

2. "District magistrate from Kadajzi reports that he has abandoned Tirurangadi, and it is therefore presumed by the Madras Government that he is withdrawing to Calicut. He states that situation is beyond civil control, and asks that the military should therefore now take charge. The sub-divisional magistrate at Malapuram reports that he is holding Malapuram with 20 special police and 30 of the Leinster Regiment. Manjeri have called on him for help, but owing to his limited force is unable to send any assistance. Report from sub-divisional magistrate at Palghat states that at several places west of Shoranur railway is damaged, and both magistrates report interruption of telegraphic and road communications due to cut wires and felled trees. The reports received satisfy us that there is a state of open rebellion, and that in the Ponnani, Walluvanad and Ernad taluks martial law should be established. We consider that the conditions now correspond to the state of affairs described in Martial Law Manual, Chapter 2, and that regular measures should be taken as contemplated in Chapter 3. We accordingly suggest that Governor-General introduces martial law by Ordinance."

3. "Malabar. My telegram dated the 22nd instant. District magistrate reported critical situation at Calicut, women and children evacuated to barracks, and asked that ship of war might be sent to Calicut as quickly as possible with supplies. We thereupon communicated with the Naval Commander-in-Chief, Colombo, who has intimated that H.M.S. *Comus* leaves this morning for Calicut, and that if necessary H.M.S. *Espiègle* will follow. Report from district magistrate to-day states that Calicut is surrounded except on the north, and that if the Moplahs enter from outside a rising in the town may be expected. Martial Law Ordinance should, in the circumstances, cover Calicut taluk also. Telegram from the police inspector, Walluvanad, reports attack on two police thanas, records burnt and carbines taken."

We transmit also following two military reports :—

"Situation report for 20 hours on the 21st instant is as follows :—Moplahs have broken out in revolt in the taluks of Ponnani and Ernad, and several affrays have occurred. Control has been transferred to the military by the civil authorities ;

the military force despatched from Calicut to assist in search for arms is withdrawing on Calicut. At several points between Beypore and Tirur line cut.

"2nd Dorset Regiment will move to Podanpur from Bangalore to-morrow the 22nd instant, and will be followed by a section of Field Artillery and a squadron of the Queen's Bays. Colonel Humphreys, Leinster Regiment, has been placed in command of the military forces in Malabar, and his forces will be based on Podanur in the first instance. More British infantry may possibly be required. I have been given a free hand by the local Government, andhave informed Headquarters, Southern Command, accordingly."

2. "Report of the situation at 6 p.m. on the 22nd instant is as follows:—Column despatched from Calicut to Tirurangandi has returned without additional casualties. Up to the present no further news of the detachment of Malapuram. Colonel Humphreys arrived at Podanur to-day, and with the Inspector-General of Police will execute a reconnaissance on the 23rd August. Noon of the 23rd should see completion of the concentration of the force that is being despatched to Podanur. Reported that Moplahs are collected in strength at Tirurston and damaging railway bridge Palliburan and taking up rails west of it. Up to present quiet reported at Calicut, though expected that there will be trouble there."

No. 3.

From Viceroy, Home Department, 24th August 1921.

(Telegraphic.)

Moplah riots. Reference our telegram of to-day. Further light is thrown on predisposing causes of outbreak by letter of 18th August from Madras regarding the expected visit of Mahomed Ali. The situation in Malabar gave cause for anxiety from last June. Reports were received that volunteers in uniform and carrying swords were being enrolled by local Khilafat agitators, but it was subsequently stated that dangerous consequences of such action had been recognised by leaders and that they had desisted, and it appeared as if the movement was dying out. It is shown by more recent events that the lenient view of the authorities served only to make the agitators conceal their organisation, which they strengthened secretly. While searching for Mopilla suspected of housebreaking, a police inspector was threatened with violence, and on the 31st ultimo and 1st instant a large crowd carrying spears, knives, and swords gathered. Shortly afterwards toddy shops picketed by Moplahs and tappers assaulted and pots broken. Case registered, but armed mob prevented arrest of accused. In view of ferment created, military authorities were applied to by Government for additional support, and the strength of the British troops was accordingly increased to a full company. The Viceroy returned from Naini Tal to Simla on the 23rd, and the situation was discussed last night in Council, and telegram has issued to Madras summarising Ordinance prepared for such an emergency, and requesting to be informed what parts of it were wanted. Telegram continued:—In particular, it is considered by the Government of India that it is not necessary to have special tribunals and summary general courts martial, and that summary courts, to which civil magistrates only would be appointed, should be sufficient. Such cases as cannot be tried by summary courts to be dealt with by ordinary criminal courts. Suggestion has been made that it would be better to continue to deal with the situation by means of *de facto* martial law, which now appears to be in force without any Ordinance, military operations being restricted to suppressing disorder and dispersing unlawful assemblies. But the Government of India feel strongly that Ordinance is the one satisfactory means of (1) validating summary courts' proceedings; (2) providing for legal means of punishing acts that, while not contrary to ordinary law, contravene martial law regulations and orders, and are not compatible with the maintenance of order; (3) preventing improper or irregular punishments for contraventions of military rules; (4) indemnifying officers for acts done in good faith and in reasonable belief of their necessity for the performance of their duty. Whether or not Ordinance is promulgated, there must be special orders that military should consult civil authorities and keep in the closest touch with them. We presume that recently issued martial law instructions will be observed by all officers, military or civil. The Commander-in-Chief will issue the necessary orders to secure both these ends to military officers. Moreover, it is considered by the Government of India that it is essential that trials and punishments should be left in the hands of military officers as little as possible, and that, as is suggested above, these powers should be vested only in civil officers. We shall be glad to receive your views by telegram, when necessary measures will be taken.

Order in Council was as follows:—

That the Government of Madras be communicated with by telegram containing explanation of the terms of Martial Law Ordinance prepared last winter by the Government of India, but suggesting its amendment in the following particulars:—(1) Civil magistrates only to be vested with summary courts powers; (2) those accused before summary courts to have right to be defended by counsel. That local Government be requested to state what portions of the draft Ordinance should in their opinion be included in the Ordinance now proposed. It is considered by the Government of India in particular that it is not necessary to have recourse to special tribunals and summary general courts martial, and that summary courts, to which only civil magistrates would be appointed, should be enough; such cases as cannot be tried by summary courts to be dealt with by ordinary criminal courts. That the argument for and against martial law be placed before the local Government, with the Government of India's opinion that the Martial Law Ordinance is, for various reasons, preferable to the continuance of *de facto* martial law.

That the local Government be told that, whether or not Ordinance is promulgated, there must be special orders that the military should consult the civil authorities and keep in the closest touch with them, and that all officers, military and civil, should be impressed with the necessity for observance of the recently issued martial law instructions. It is considered by the Government of India to be essential that trials and punishments should be left in the hands of military officers as little as possible.

No. 4.

From Viceroy, Home Department, 24th August 1921.

(Telegraphic.)

Continuation of our telegram of this morning, following substance of Press report:—

Mob moving towards Pattambi, Ottapalam and Ponnani. Post and telegraph office at Ponnani reported almost pillaged, and looting in Nilambur, Manjeri, Malapuram, Tirur, Parapanagadi and other places, wherefrom innocent men, women and children fleeing for lives. Rumoured mob advancing towards Calicut, and strong contingents of reserves and soldiers been posted at Feroke to avert contingency. District authorities doing best to remove panic in Calicut and neighbouring places. Madras, 23rd. Madras mail gives further details. Auxiliary force mobilised last night, owing to strong rumours looting and excesses would start in Calicut. European community removed to West Hill. Casualties among Moplahs estimated at between 500 to 700 killed and wounded, but correct details unknown. Parapanangadi railway station completely wrecked. Believed Moplahs working their way to Calicut. Telegraph engineering staff forced to return. Communication with Madras *viâ* Mercara only line open. Deputy Superintendent of Police has removed all cash and valuable documents to Government Treasury. Reserve police guarding Feroke railway bridge; one party of Moplahs reported marching on Pattambi, where railway station threatened. Between 15 and 20 men of West Hill detachment of Leinsters in action at Tirurangadi missing, presumed they were hemmed in and unable to return with main body. Walajapet (? Wallajahbad) Light Infantry arrived from Cannanore last night. A portion of British reinforcements is understood to be marching down *viâ* Vyadu and Nilambur. Refugees who arrived from Shoranur by mail train report serious fight in Tirurangadi village between Government forces and Moplahs. Austin, special joint magistrate, Malapuram, is headquarters, guarding magazine. Officers' wives and children are protected in guard room, Malapuram. Joint magistrate, Ana, and joint magistrate, Palghat, have wired for military aid. Newton, with small contingent of auxiliary force proceeding to Shoranur to guard railway property. Fear that mob is on march to Shoranur, wrecking permanent-way and cutting telegraph wires. Rumoured they are nearing Pattambi, and all ladies and children in Shoranur been sent to Podanur. From Tirur reported plundering by mob of Hindu houses, including that of non-co-operator Vakil. Public offices burnt and prisoners released from jail. Trikandiyur temple, near Tirur, also plundered. Tanur fishery station reported sacked.

No. 5.

From Viceroy, Home Department, 25th August 1921.

(Telegraphic.)

Moplah disturbances. Continuation of yesterday's telegram. Further telegrams from Madras, dated 24th instant, are as follows:—

First begins. Continuation of our telegram of 23rd instant. District magistrate's more detailed report has been published as Press communiqué. Instructions have been given district magistrate to enquire fully into circumstances of death of Johnstone and Rowley. Tahsildar Walluvanad reports destruction of certain public offices and looting in Treasury. Gutting of Treasury of Manjeri reported by district magistrate. Accountant-General estimates Rs. 27,000 cash in former, and Rs. 4,50,000 notes and Rs. 1,30,000 cash in latter Treasury. Arrival of H.M.S. *Comus* expected noon 25th instant at Calicut. Ends.

Second begins. Martial law. Reference your telegram of to-day. Promulgation of Ordinance agreed to by Government of Madras, and they accept the view that provisions 11 and 12 (special tribunals and summary court martial) are not at present necessary. The other provisions with modifications suggested are accepted by them. Areas to be notified should be Walluvanad, Ernad, Ponnani, and Calicut taluks of the Malabar district. Date 23rd August, provision 6 should be 19th August. Ends.

Probably Martial Law Ordinance will be promulgated to-day. T. Austin, special assistant collector, Malapuram, is safe according to reliable information received.

No. 6.

From Viceroy, Home Department, 25th August 1921.

(Telegraphic.)

Moplah disturbances. Continuation of our telegram of to-day. Situation at 6 p.m. on 23rd instant is as follows:—Officer Commanding, Malabar, reports:—

At 11.30 p.m. on the 22nd instant a patrol train was sent from Podanur and was followed at 4.15 a.m. to-day by leading troop train which has arrived at Shoranur. Everything reported quiet up to that point. To-day at 11.40 a.m. second troop train left Podanur with a view, if possible, to getting as far forward as Pattambi. To-night remaining trains will follow to Shoranur or still further forward. Three platoons have been dropped at Olavakkot *en route*. Situation is reported to be much improved at Calicut South of Calicut repairs to railway are in progress. Administrative arrangements and measures taken for security of the railway are working satisfactorily and smoothly. Internal security scheme has been enforced.

There is no further news regarding Malapuram. However, to-morrow, 24th instant, it is hoped to establish a base far enough forward to launch a column to relieve this place.

No. 7.

From Viceroy, Home Department, 25th August 1921.

(Telegraphic.)

Following communiqué issued by Madras Government:—

"24th August 1921. Military operations in connection with disturbances in Malabar are progressing satisfactorily. Following telegraphic report dated 23rd August 1921, received from district magistrate, Calicut, is published for general information:—'Following complete *résumé* events since Friday night. Contemplated surprise Tirurangadi successful as a surprise, but unsuccessful as regards arrests; only three men arrested out of those wanted, with one war knife. Searches ceased about 10. Town then quiet. Twenty-five reserve men left to continue search for absconding warrantees. It is clear that news of our action sent out round country side. At quarter to 12 news came that crowd of 2,000 Mopilla from Tanur come by train to Parappanangadi and other places on west advancing on us. At noon police and myself went out to meet and disperse them, supported by troops. Contact made 12.30. Mob, when called to disperse, advanced steadily; police charged with fixed bayonets and were met with sticks. In self-defence firing began from front rank with nine known casualties. Crowd partly yielded, partly dispersed to Perambas on both flanks. Lancaster, A.S.P., struck with club. Without further firing, police pushed crowd back slowly to one side from Parappanangadi and returned with 40 prisoners. At 15 hours I learnt then that crowd, estimated 2,000, drove in Tirurangadi police party and attacked platoon Leinsters guarding camp. Dispersed with Lewis guns and magazine fire. Rowley was with this party. Not known how Rowley and Johnstone of Leinsters became separated from men. After much needed meal we were preparing search for them when, after 17 hours, news came that bodies and Head Constable's body lying by road near camp. Bodies recovered hours 17.30. Bodies terribly mutilated and hacked. Returned camp and prepared defence for night. Anticipating attack from 2,000 men reported assembled in Mosque; 19 hours, Deputy Tahsildar reported from Parapanangadi that railway station and post office sacked and line cut. About 19 hours handed over situation to Officer Commanding as it was one beyond civil powers. Unexpectedly night was peaceful on Sunday. At 8.30 hours, after burying our dead, marched back to Parappanangadi. It was impossible to remain without rations or communications in face vastly superior numbers. Arrived along railway for Kadalundi beating off several attacks on both flanks, front and rear, during first three miles. Line had been cut three places, intention obviously being to isolate column, which arrived at Kadalundi 17 hours. Learnt line being cut near Chalier Bridge and tried to intercept and came too late, and therefore marched to Feroke. Arrived 20 hours. Line cut Calicut side, Feroke Bridge being then under repair. Train awaiting. Entrained about 22 hours, arrived Calicut midnight. Had column not returned, most probably Calicut would have been looted. Monday morning required Officer Commanding take charge Calicut for sufficient reasons. Line repairs proceeded with. Situation now as follows:—Known that Malapuram detachment isolated; line cut to Kuttiputam, perhaps beyond; road blocked; bridges broken from tenth mile from Calicut, also Malapuram, Tirur and Nilambur roads similarly blocked; probably also other trunk roads. Kottakkal Sub-Registrar's office and post office, Tirur offices, Manjeri Treasury, Tirur, Angadi offices, after our evacuation, known to have been gutted. Two British soldiers, one European from tile works, 15 police and local officials, Tirur, prisoners.' Government have also received information from Inspector-General of Police, indicating that force at Malapuram is all right. Having observed from the daily Press of 23rd a long report emanating from correspondent of Trichur, Government requested Publicity Officer to caution Press in Madras against publication of unverified, hearsay stories calculated to cause alarm. Need for this caution is emphasised by appearance in next issue of *Daily Express* of a large type heading, 'Mr. Austin still Missing.' This officer is in charge at Malapuram. Further *The Hindu* of Tuesday, 23rd, published long message from its own correspondent at Shoranur, much of which is entirely without foundation and untrue. Correspondent admittedly based his story on hearsay reports, which he has made no attempt to verify as, in his own words, it was too risky to go to scene of operations. Mischief done by publication of such matter is in no way reduced by qualifying remark on part of correspondent or editor to effect that authority of information cannot be vouched for acceptance without indisputable corroboration. Government confidently hope that responsible Press of Madras will recognise this aspect of matter and will support them by refusing to publish any unverified reports of an alarming nature which they may receive."

No. 8.

From Viceroy, Home Department, 26th August 1921.

(Telegraphic.)

Correspondence ending with my telegram yesterday. Moplah disturbances. Following telegram received from Madras, dated 26th, time 0.20:—

"District Magistrate, Calicut, reports *Comus* arrived. Situation quiet, but dacoity, looting and murder of Hindus rife in Walluvanad and Ponnani Taluks, also east of Calicut Taluk. Relief party left Calicut for Malapuram to-day. Inspector Reedman of Malapuram Special Force murdered on 20th with his Moplah orderly. Two planters reported murdered are believed to have escaped Ootacamund. This being verified. Military operations progressing satisfactory as will be seen from reports of General Officer Commanding, Wellington, to Chief General Staff, Simla. Evans, I.C.S., appointed civil officer with officer commanding troops, Malabar, Podanur."

No. 9.

From Viceroy, Home Department, 26th August 1921.

(Telegraphic.)

Moplah disturbances. Continuation of riot telegrams. Headquarters, Madras, have sent following telegrams. Situation at 6 p.m., 24th instant, reported as follows:—All quiet reported from Calicut. Reported no further attack on detachment at Malapuram. A force from Calicut is moving to their relief *viâ* Kondotti. From Calicut southwards the railway has been cleared as far as mile 595. In Ernad and Walavanad taluks risings continue. Two hundred Moplahs were reported to be moving on Qadulur from Nilambur on night of 23rd–24th August, but the police have been unable to locate them to-day on road between these two places. Report on situation at 6 p.m. (continued). Podanur force sent advanced troops as far as Pattambi. Railway line clear up to bridge at mile 374, and situation normal. That bridge expected to be repaired to-night 24th–25th, and to-morrow, 25th, troops should be able to reach Kuttipuram. A state of unrest is reported amongst the Moplah workmen at the bridge over the cauvery at Erode, and if circumstances necessitate it the South Indian Railway Company's Auxiliary Force at Podanur will send a platoon to Erode to guard the bridge.

No. 10.

From Viceroy, Home Department, 26th August 1921.

(Telegraphic.)

In continuation of my telegram of to-day. Headquarters, Madras District, report as follows for 6 p.m., 25th instant:—"Quiet at Calicut. Working southward from Karur, railway made good as far as Tantur. From Calicut railway repaired over distance of 9 miles towards Malapuram and a column has left Calicut for that place. Directly repairs to the railway bridge at mile 377·7 have been effected to-day, the force from Podanur will proceed to Kuttipuram; it is intended to despatch a force to Malapuram from Kuttipuram on the 27th August, the portion left behind to continue railway repair towards Tirur. A platoon of 86th Carnatic Infantry has been called to Karur from Trichinopoly at request of civil authorities. It has also been necessary to post guard of one platoon, South Indian Railway Auxiliary Force, over cauvery bridge at Erode. Troops' health remains good."

No. 11.

From Viceroy, Home Department, 26th August 1921.

(Telegraphic.)

Your telegram dated 24th August. Moplah outbreak. Rowley, Assistant District Superintendent of Police, and Readman, Inspector of Police, Special Reserve, killed, as far as our information goes. We have repeated to Madras, asking them to report direct to you if any officer killed other than those mentioned. We presume you refer only to British officers.

No. 12.

From Viceroy, Home Department, 26th August 1921.

(Telegraphic.)

Moplah riots. Martial Law Ordinance signed by Governor-General and promulgated to-day. Applies to Walavanad, Ponnani, Ernad and Calicut taluks. Full text follows by mail.

No. 13.

From Viceroy, Home Department, 27th August 1921.

(Telegraphic.)

Reference my telegram dated the 26th August and previous correspondence. Headquarters, Madras District, report as follows, 6 a.m., 26th:—

"No further developments as to military in Malabar, where steady progress is being made by troops. Reported widespread violence and robbery directed against

Hindus in taluks of Walluvanad and Ernad. At Karur Muhammadan riot dealt with by the police supported by a small detachment of Indian infantry. Tirur reached by patrol train from Calicut, and two men of the Leinsters, previously reported missing, rescued. Quiet at Calicut. Report that movable column from Calicut is still advancing and is within four miles of Malapuram."

No. 14.

From Viceroy, Home Department, 27th August 1921.

(Telegraphic.)

Moplah riots. Following substance of Press reports received this morning. Landing party disembarked from *Comus* and marched through big bazaar Moplah town with police guides and colours flying. On 25th, Moplahs attacked Poonors estate and attempted assassination of Tippets, manager, who had miraculous escape. Mob murdered Eaton of Pullengoda estate and burnt bungalow. Mrs. Eaton safe. Keralla rubber estate reported attacked; bungalows, factory, dispensary burnt, and cash and property looted. Managers believed to have escaped, but nothing definitely known. Later message that Brown safe; two more landlords, probably Hindus of Mavooruporte, reported to have been murdered; post offices at Augandipuram and Nilambar looted and Sub-Registrar's office at Kaipananchey demolished. Calicut Press correspondent wires: Telegraph wires probably require months to restore. Letter said to have been received from Raja Nilambar, states that he is again threatened and asks for assistance. Should there be any trouble in Calicut, Moplah quarters will be at once bombarded by *Comus.*

2. District magistrate, Malabar, issued following communiqué :—

"The district magistrate had received information that a number of war knives were in existence in Tirarangadi in contravention of the 'Malabar Offensive Weapons Act 20 of 1851'; it was also necessary to arrest, for incitement to outrage, certain persons in Tirurangadi under section 8 of the 'Moplah Outrages Act.' Anticipating that resistance would be made, a requisition was made for detachment of British troops to support police, and party arrived at Tirurangadi before dawn on the 20th. Searches were made and three men arrested, and a small party of reserve police left behind to continue the search of warrantees. Kizhikkapalle Mosque was entered by Moplah police officers, who removed their boots before entering the mosque. In Mampuron the mosque, which is on the other side of the river, was not approached by anybody. Between hours 11.30 and 2 p.m. determined attack was made from two sides of the force of the police and troops by armed bands coming from Tanur Parappanangadi and adjoining Amshoms on the west, and from Tirurangadi and Amshoms on the east as far as Ponmala and Kottakkal. The attacks were beaten off, but two officers were surrounded and butchered by the mob. The force stayed the night at Tirurangadi. At this time the railway station at Parapanangadi, and thence along the railway line to Feroke, being attacked constantly by armed Moplahs. On the way for the first four miles the railway line had already been cut in several places as far as Feroke. This attempt to make searches and arrests under legal warrants, in due conformity with law, had been the signal for an outburst of fanaticism throughout Ernad, Walluvanad and Ponani, directed first against European officials and non-officials and latterly against Hindu. Jemmis and other public offices have been looted everywhere; Manas and Kovilakoms pillaged, Hindus murdered and forcibly converted, and the line cut to an extent regarding which there is no information."

No. 15.

From Viceroy, Home Department, 27th August 1921.

(Telegraphic.)

Moplah riots. Following telegram, dated 27th August, received from Government of Madras:—

"Malabar internal situation, 26th. Affected area now includes Kurumbranad taluk, which has been entered by large parties of Moplah rebels. Indian troops have been requisitioned from Cannanore to meet and deal with these. Owing to disorganisation of runners and communications the whole of affected area now threatened with famine. Planter Eaton of Pullangod estate now definitely reported killed. Planters Brown and Colebrooke have arrived safely Ootacamund. Planter Tippets escaped Calicut. Relief party sent for planter Norman. The Forest Officer's bungalow, Nilambur, also Range Officer's quarters and lines gutted. District Forest Officer, Chandy, rangers and forest subordinates all prisoners. Palghat Sub-Divisional Magistrate reports plundering houses and liquor shops and boasting that Swaraj established. Incursion into Wynaad threatened. Emergency issue arms and ammunition to Planter Units Auxiliary Forces being ordered. Relief force reported within four miles Malapuram, 26th. Railway Calicut restored except 10 badly damaged miles. Special Civil Officer hopes to be able established (*sic*) contact with Calicut to-night. Reference our telegram No. 480, Political. No further casualties of European officers to report."

Further telegram received asking that Martial Law may be extended to Kurambranad and Wynaad Taluks. Governor-General of India in Council has approved, and notification issues by Gazette Extraordinary this evening.

No. 16.

From Viceroy, Home Department, 28th August 1921.

(Telegraphic.)

Moplah disturbances. General Officer Commanding Madras District telegraphs following summary of situation. Report for 27th instant, 6 p.m. :—

" Reported, but not yet confirmed, that Malapuram reached by movable column from Calicut. Railway cleared and opened to mile 386. March through Calicut town by 90 sailors from H.M.S. *Comus*. Disturbance at Quilandi 10 miles north of Calicut; detachments of troops from Cannanore despatched there. On the 27th instant at 4 a.m. movable column left Kuttipuram to effect junction with Calicut forces; no report of progress yet received. Presumably with a view to relieving and evacuating planters, who may be hard-pressed, a platoon of Leinsters with two Lewis guns despatched to Judalur. Auxiliary force mobilised at Hammarpet to guard treasury."

No. 17.

From Viceroy, Home Department, 28th August 1921.

(Telegraphic.)

Moplah disturbances. All reports received from Military authorities and the Madras Government have been carefully communicated to you. Further, when there has been any doubt whether important Press reports have been telegraphed home by Reuter, abstracts of such reports have also been communicated to you.

No. 18.

From Viceroy, Home Department, 29th August 1921.

(Telegraphic.)

Disturbances in Malabar. Following from headquarters, Madras, 20-50 hours, dated 28th August : —

" Situation 20-00 hours and for Press. Calicut quiet. S.S. *Nawab* arrived there to-day with supplies. Line reported through to Podanur from Calicut. No report from Malapuram. District magistrate, Calicut, reported rioting by unarmed Moplahs in South Punnani last night. Detachment reports all quiet at Gudalur, and on roads leading into it. Government reports famine probable in Malabar through effects of looting and destruction of communications."

Above is in continuation of previous telegram of 28th August.

No. 19.

From Viceroy, Home Department, 29th August 1921.

(Telegraphic.)

Reference military telegrams dated to-day. Following received from Madras :—

" Malabar District Magistrate reports that detachment Leinsters and Special Police Force that left Calicut on 25th for relief of Malapuram was attacked Pookotur, few miles from Malapuram, by large body rebels, about 11 o'clock morning 26th. Mopillas were armed with carbines captured from police stations they had looted, as well as with some sporting rifles and swords and war knives. They displayed their traditional ferocity and eagerness for death, and after five hours' fighting were beaten off, their casualties being estimated at 400 killed. Two British soldiers reported killed, and an officer and five men wounded. Lancaster, Assistant Superintendent of

Police, was shot and has since died. Secretary of State informed. Detachment reached Malapuram, where they found all safe and well, and has returned with Malapuram garrison to Calicut. Railway is now temporarily repaired through to Calicut for day running. No further news of rebels from Nilgiris border, nor from Kurambranad."

No. 20.

From Viceroy, Home Department, 29th August 1921.

(Telegraphic.)

Malabar disturbances. Headquarters, Madras telegram, dated 29th August, 11-35 hours:—

"Following is situation report for 09.00 hours. This morning, Calicut movable column has returned to Calicut, bringing Malapuram detachment in with it. It had an action with rebels on 26th instant at Pukkatur. Moplah casualties were about 400 killed. Our own were two killed and one officer and five other ranks wounded. Kuttipuram movable column was reported at Malapuram on 27th instant. To-day there are columns from Malapuram, Calicut and Tirur, converging on Tirurangadi. Railway line now open to Calicut having been repaired by temporary work."

Above in continuation of previous telegram of 29th August.

No. 21.

From Viceroy, Home Department, 30th August 1921.

(Telegraphic.)

Malabar disturbances. Following military report dated 20-15 hours, 29th August, repeated in continuation of my telegram dated 29th:—

"Further details of engagement Pukkatur, 26th. Rebels attempted ambush Calicut column at 26 miles Kondotti-Malapuram road, firing from front, rear, and flanks. Rebels dispersed after four hours' heavy hand-to-hand fighting. Three A.F.I. officers with column wounded, in addition to casualties already reported. No further opposition and Malapuram since quiet."

No. 22.

From Viceroy, Home Department, 30th August 1921.

(Telegraphic.)

Following two telegrams received from Government of Madras, 30th August, 3.10 and 3.20 p.m., in response to telegram from me asking for appreciation of situation:—

1. "Appreciation of general situation Malabar. Railway to Calicut has been temporarily restored for running by day, and is being held by troops. Garrison Malapuram having been brought back to Calicut, whole interior South Malabar except Palghat taluk, is in the hands of rebels. Probable that troops will again have to meet and overcome determined resistance by the rebels in force. Subsequent operations will take form of locating and dealing with numerous small and mobile parties of Moplahs in extremely difficult country. Active assistance by local inhabitants cannot be counted upon. Situation from point of view of civil administration is that local machinery of Government has broken down. Throughout affected area Government offices have been wrecked and looted, and records destroyed. Communications has been obstructed. Those officials who have not escaped are, so far as known, either captives or in hiding. All Government offices and courts have ceased to function, and ordinary business at a standstill. Famine conditions imminent portions affected area. Europeans and numerous Hindu refugees of all classes now concentrated at Calicut.

2. "Impossible at present collect approximate particulars loss of life and property disturbed area. Casualties as far as is known:—Troops killed, one officer, two men; wounded, one officer, five men. Police killed, two assistant superintendents, one inspector of police, two head constables. Wounded not reported. Planter Eaton definitely reported killed. Unverified reports numerous murders Hindu civil population. Rebel casualties not definitely reported except at Pookovttur, where killed estimated at 400."

No. 23.

From Viceroy, Home Department, 30th August 1921.

(Telegraphic.)

Following information received from Headquarters, Madras, dated 29th August, received at 10.00 hours, 30th :—"Movable column under Colonel Humphries left Tirur at 1 p.m. to-day for Tirurangadi. Movable column from Calicut and Kuttipuram were both at Malapuram at 10.00 hours yesterday 28th. At Tirur and on railway, and at Gudalur and its vicinity situation is quiet. At Vayittri eight motor patrol of auxiliary force has been organised and has established post watching road from Calicut to Vayittri. Situation in hand. Karur is now tranquil, and a detachment of 86th Infantry, which had been sent there from Trichinopoly has now returned to latter place."

No. 24.

From Secretary of State to Viceroy, Home Department,
31st August 1921.

(Telegraphic.)

Moplah disturbances. Your telegram dated 28th instant. You need have no fear that the full reports I am receiving from you are not being given to the public. As on previous occasions, on receipt of your telegrams, I am issuing statements to Press, and you may rely on this being continued. However, it may be that some matters you will have occasion to report, such, for instance, as intentions or forecasts, you will not desire to publish. It is presumed in such a case this will be mentioned in the telegram.

No. 25.

From Viceroy, Home Department, 1st September 1921.

(Telegraphic.)

Disturbances in Malabar. Following telegram dated the 30th ultimo, received from Headquarters, Madras District :—

"General Officer Commanding, Madras District, has gone to Calicut with a view to arranging martial-law administration. Situation report for 30th at 6 p.m. is as follows :—'Malapuram and Tirur movable columns due to effect junction to-day at 10 hours at Tirurangadi, where it is reported by Collector that rebels numbering from 300 to 1,000 collected, determined to make a stand. At 6 hours Calicut movable column moved to block ferry west of Tirurangadi. Quiet at Malapuram. Report from Collector states that Janur will need to be dealt with in some strength. Following troops are guarding railway line to Calicut :—At Feroke one company of 83rd Wallahjahbad Infantry; at Tirur one company 4th Pioneers; at Shoranur squadron of Queen's Bays. Along vicinity of railway inhabitants gradually returning. Quiet at Gudalur and neighbourhood.'"

Replying to our enquiry of the 28th ultimo, Government of Madras wired on the 30th that, subject to military advice, they were of opinion that it would be necessary to have two more British Infantry battalions for some time to restore normal conditions of law and order in Malabar. Telegraphic orders issued to Headquarters, Southern Command, on 31st ultimo, by Commander-in-Chief, directing that measures be taken to ensure that adequate reinforcements sent to affected area, and suggesting that instead of two British battalions proposed by Government of Madras one Indian and one British should be employed. The telegram also gave discretion for units of the Field Army to be employed if considered advisable, and requested report on military situation for entire Southern Command area.

No. 26.

From Viceroy, Home Department, 3rd September 1921.

(Telegraphic.)

Disturbances in Malabar. Report by Headquarters, Madras District, for 12.20 hours, 31st ultimo, is as follows :—

"Railway to Calicut remains undisturbed. Position with regard to movable columns is as follows :—Both arrived at Tirurangadi according to plan. They met with no active resistance, and between 30 and 200 armed rebels capitulated. One column remained to look after them. Radcliffe's column went back to Malapurum to take in hand district of Ernad.

No. 27.

From Viceroy, Home Department, 3rd September 1921.

(Telegraphic.)

Disturbances in Malabar. The military reports below are repeated for information :—

First. Despatched 21.15 hours 1st instant, from Headquarters, Madras District :—

" Following is situation report for the 30th August, 6 p.m. Gradual resumption of through railway traffic is being effected. To-day, the General Officer Commanding, Madras District, returned to Wellington from Calicut. No change at Madras. Force at Malapuram will be based on Feroke.

" Tirurangadi. Following operations on the 31st ultimo at this place, the rebels who had ensconced themselves in the mosque sallied out. They were either captured or killed. Action resulted in (*a*) capture of Ali Musuliaram, an important rebel; (*b*) our casualties, presumably Dorset Regt., four wounded and one killed; (*c*) whole column now being concentrated at Malapuram to undertake further operations."

Second. Despatched 1st instant, 13.50 hours, from Headquarters, Southern Command :—

" Telegram dated the 22nd ultimo requesting two more British battalions sent by Madras District, but further telegram of the 25th ultimo stated that troops in Malabar would meet requirements.

No. 28.

From Viceroy, Home Department, 3rd September 1921.

(Telegraphic.)

Continuation of correspondence regarding Malabar disturbances. Officer Commanding, Madras, reports on 2nd September situation unchanged. Troops picketed area last night 1st–2nd.

No. 29.

From Viceroy, Home Department, 6th September 1921.

(Telegraphic.)

Malabar disturbances on 30th August. Government of Madras reported that in view of large number of cases of waging war, arson, murder, and other crimes of violence, with which ordinary courts would be unable to deal in reasonable time, they considered establishment of at least one special tribunal necessary. After discussion in Council we have decided Ordinance should be issued. It was promulgated yesterday, 6th September. Tribunals to consist of three persons appointed by Local Government. President shall be person who has acted or is acting as Judge of the High Court, and two other persons who have acted for at least two years in the exercise of the power of Sessions Judge. An appeal allowed to the High Court in case of any sentence of death, or transportation for life, or imprisonment for 10 years or more, and Local Governments or Governor-General of India in Council shall have power to make orders under 402 and 401 of Code of Criminal Procedure. Full text will follow by next mail.

No. 30.

From Viceroy, Home Department, 6th September 1921.

(Telegraphic.)

Following telegram received from Headquarters, Madras District, Wellington, 19.30 hours on 5th September :—

" Situation 18.00 :—Two movable columns operating from Malapuram. One column reached Pandikkad, eight miles east of Manjeri, *viâ* Manjeri, yesterday; met Moplahs in small parties with no inclination to fight. Other column operating in Ernad Taluk. Headquarters and supply railhead established Tirur as Feroke-Malapuram road badly damaged. Company 64th Pioneers sent Ponnani by water make necessary arrests. About 200 arrests made in villages near Tirur. Calicut normal. Civilians returning to bungalows from west hill keep Nilgiri Wynaad quiet. Mysore Government taken steps control ebb and flow Moplahs on their borders. No further developments in Madras."

No. 31.

From Viceroy, Home Department, 7th September 1921.

(Telegraphic.)

Following from Headquarters, Madras District, Wellington, dated 6th, received 10 hours, 7th:—

"Situation 18 hours:—One column Dorsets due return Malapuram from Pandukad to-day had no opposition, but reports organised gang Moplahs in being, which may fight later. Second column reached Perintalmannar 5th instant, without incident. Police rifles from Mandur recovered. Small force proceeded Pukkatur 4th and arrested six rebels. Detachment 64th Pioneers reached Ponnani 15.00 on 4th, since when no report received. Wynaad quiet. Moplahs Nilambur area leaving villages for jungles, and telegraph communication with Malapuram expected through to-night. Calicut quiet and local auxiliary force demobilised on 4th. Affected area in Madras picqueted by troops."

No. 32.

From Viceroy, Home Department, 9th September 1921.

(Telegraphic.)

Following from General Officer Commanding, Wellington, dated 8th, received 9th:—

"Situation 18.00:—Nothing fresh to report regarding columns clearing country in Malabar. Arrests proceeding quietly at Ponnani should be completed to-morrow. Wynaad quiet."

No. 33.

From Viceroy, Home Department, 10th September 1921.

(Telegraphic.)

Following telegram received on 9th by Chief of General Staff from Officer Commanding, Wellington:—

"Since 2nd September columns operating from Malapuram have visited following places:—Manjeri, Pandikkad, Wandur, Mambad, Edavanna, Peritalmanna, Mannarakkad, Melattur. No opposition met with, but two gangs rebels reported still out, both in Ernad. Pukottur revisited on 4th by column in 'busses; some arrests made. Troops also visited house of prominent Hindu near Melmuri, who, with all his household, had been forcibly converted to Muslim faith. Angada also visited. Search of Ponani by troops now completed; over 100 arrests made. Military supply situation now satisfactory. Squadron Bays have been sent back to Bangalore. Situation in Malabar improving steadily." Following telegram received same date:—"Situation quiet. Area picqueted night 8th–9th."

No. 34.

From Viceroy, Home Department, 12th September 1921.

(Telegraphic.)

Situation quiet in Malabar. Operations progressing satisfactorily. Two leading rebels have been captured by police, and 200 arrests made in Ponnani.

No. 35.

From Viceroy, Home Department, 15th September 1921.

(Telegraphic.)

Malabar disturbances. We asked Madras Government on 9th instant to take all measure possible to ensure close touch being maintained between military and civil authorities with regard to martial law administration, and we requested that cases of wrong exercise of power or improper orders should be reported to us promptly. Further, we enquired what views Local Government held with regard to the probable date of termination of martial law, and whether troops were sufficient. Local Government replied on 14th September as follows:—

> In the light of information elicited during visit to Malabar of His Excellency the Governor, and information regarding military situation obtained subsequently, position now clearly seems to be more serious than was hoped. Life and property of non-Muhammadans is unsafe except in immediate vicinity of troops or close to railway. Spirit of rebellion is unbroken. After troops have passed, bridges and roads which they have repaired are broken. On the 12th instant office of Sub-Registrar at Mannarghat was destroyed. Rebels still hold interior of Walluvanad and Ernad Taluks; five bodies of them are known to be in existence, and their estimated total strength is 3,000. Military are experiencing difficulties in dealing with them owing to their mobility, and our intelligence, communications and transport difficulties. It is not possible to re-establish police at stations, and it is still less possible to reopen ordinary offices and courts, or even to ascertain extent of damage done to private and public property. At present all that is possible is to provide for trial of those arrested for serious offences, and to maintain close association between military and civil authorities. Collector of Malabar has started a relief fund, but pending restoration of normal conditions its administration will be impracticable. Kindly note that trials that have taken place are for what would in normal times be offences against ordinary law, such as extortion, robbery, arson, dacoity, damage to telegraphs and railway, and not merely for any breach of special regulations. It has been impossible to take prisoner many wounded rebels, but those few captured are being treated in precisely the same way as our men. At present it is quite impossible to forecast when termination of martial law will be practicable.

General Officer Commanding, Wellington, reports:—

The Officer Commanding, Malabar, reports as follows:—

> Moplah activity increased on the 12th instant. There are 15 bands of rebels at large, and their total strength is about 3,000. Of these, two are in vicinity of Manjeri and the remainder are about Nannarakkad, Melattur and Nilambur. In response to a request for reinforcements, one company of the Suffolk Regiment went to Tirur to-day (13th instant) at 11 hours, from Wellington. The 83rd Light Infantry at Cannanore is at the disposal of Officer Commanding, Malabar, and I will bring more of the 64th Pioneers from Bangalore if that is inadequate. At 8 a.m. to-day (13th instant) two companies of the Dorsetshire Regiment are proceeding to Helattur to deal with a band of Moplahs 800 strong. His Excellency the Governor presided at a conference at Tirur on the 11th instant at which the administration of martial law under the Ordinance was thoroughly discussed. The General Officer Commanding also paid a visit to Malapuram on the 11th and 12th instant. The chief military difficulty lies in the transmission of information and in following the movements and intentions of the rebels. Good signal communications have now been established.

No. 36.

From Viceroy, Home Department, 15th September 1921.

(Telegraphic.)

Malabar disturbances. Following is Indian News Agency telegram of 14th September last:—

"According to *Madras Mail*, at modest calculation, 75 forcible conversions of Hindus been made during Moplah rebellion, leaving out of account numberless Hindu families who escaped from horror of conversion by leaving their homes. Arrangements for starting special tribunal for trial of serious offences during disturbances are being pushed on, and an announcement as to the composition of tribunal is expected very shortly. Magistrate of the District at Calicut states that large body of rebels reported to have arrived yesterday at Mannarghat and there burnt down record Sub-Registrar's Office. Rebels went in the direction of Angadipuram. All the forest buildings burnt down at Nilambur."

No. 37.

From Viceroy, Home Department, 15th September 1921.

(Telegraphic.)

Malabar disturbances. Following two reports, dated 14th September, received from Madras District Headquarters:—

First. "Situation, 10.00 hours. Company Suffolks arrived at Tirur 20.30 hours 13th. Company British Infantry due Bezwada, 09.00 hours to-day. Commanding, Malabar, reports two columns converging on Mellatur effected junction 12.30 hours 12th, and returned Pandik Kad yesterday. Rebel ambush fired on; result not yet known. Column left Pandik Kad 17.00 hours yesterday, hoping surprise Chembrassheri Tangal, to-day. Platoon left at Pandik Kad reports rebels active there after column left. Rebels at Mavarakandu. Five Kalikavu fired on column passing through village. Twenty-five arrests made by 83rd Infantry near Vaikkatur. Police sub-inspector and two constables, who left Devala on patrol on 10th, reported killed at Yettakara. Special party police leave Ootacamund for Pandalur to-day. No further development, Madras, but situation does not permit reduction in troops now there."

Second. "Situation, 20.00 hours. Nothing further to report regarding Malabar. Detachment at Gudalur moves westwards to-morrow, seven miles to Nadghani, to support special police and planters, as rebels reported collecting in valley Lavarinde, south-west Pandalur. Company Bedfords arrived Bezwada 10.00 hours, and report all quiet there."

No. 38.

From Viceroy, Home Department, 15th September 1921.

(Telegraphic.)

Malabar disturbances. Headquarters, Madras district, reported as follows on 13th instant, 19.55 hours:—

"In Malabar rebel bands, totalling about 3,000, are out, and the situation is that there is increased activity. The troops in the district are as follows:—The 2nd Dorsetshire Regiment, section of Royal Field Artillery, one and a half companies of Leinster Regiment, a platoon of the 64th Pioneers and the 33rd at Cannanore. A company of the Suffolk Regiment from Wellington is temporarily reinforcing Malabar. More of the 64th Pioneers will be sent from Bangolore if this is insufficient. There is nothing unusual reported from the other districts of the Southern Command."

No. 39.

From Viceroy, Home Department, 17th September 1921.

(Telegraphic.)

Malabar disturbances. Following report from Madras District Headquarters, dated 22.45 hours, 12th instant:—

"One thousand Moplahs between Mannerghat and Palghat are reported to be proceeding to Palghat to effect the release of a rebel leader named Elikanair. A patrol train manned by the 64th Pioneers has accordingly been sent out to prevent them crossing railway line."

No. 40.

From Viceroy, Home Department, 17th September 1921.

(Telegraphic.)

Moplah disturbances. Officer Commanding, Malabar, has issued martial law order restraining Gandhi from entering or staying in martial law area in view of the latter's expected arrival in Madras. General Officer Commanding, Madras District, endorsed order, and asked Government of Madras for orders as to whether it should hold good, stating it was essential that it should, in his opinion. In view of conditions prevailing in area, Government of Madras approve, and Gandhi, probably while on his journey to Madras, was informed of order. He will be stopped at Tirur, if he enters martial law area, and sent back to outside limit of area with escort. Expected to arrive to-day at Madras. Matter was discussed this morning in Council and externment order and method of enforcing it were approved, as both military and civil authorities agreed that Gandhi should be kept out of martial law area. Madras has been informed accordingly.

No. 41.

From Viceroy, Home Department, 17th September 1921.

(Telegraphic.)

Malabar disturbances. Following is report from General Officer Commanding, Madras District, despatched 15th September, 7 p.m.:—

"Situation 18.00 hours. No developments to report in Malabar or Wynaad. Some leading rebels arrested by 83rd Infantry near Kattiparutti. One column fired on from dense jungle near Tirur and fire returned. Bezwada reports quiet.

No. 42.

From Viceroy, Home Department, 20th September 1921.

Malabar disturbances. Following military telegrams are repeated for information. First: from General Officer Commanding, Madras District, dated 16th September, 19·25 hours:—

"Situation 18 hours. About 40 rebels arrested yesterday around Irembiliyam, Balujakunu and Parapannangadi. Columns getting into position for next mob. Telegraphic communication re-established with Ponnani. Motor patrol from Cannanore visited Irriti on Cannanore-Mercara road yesterday. Party of Leinsters arrived at Nadghani from Gudalur report all quiet."

Second: from Commander-in-Chief to General Officer Commanding-in-Chief, Southern Command, dated 17th September:—

"Should the despatch of additional troops to Malabar area be necessary, you have sufficient to cope with requirements. Please keep me informed of your opinion of the situation."

Third: dated 18th September, in reply to Commander-in-Chief's telegram:—

"Views on the situation will be separately sent, periodically. All probable demands for troops for Malabar or elsewhere can be met by troops in hand. At present all is quiet in Bezwada area. One company of Bedfords are there, and the main railway bridges are guarded. The movable column from Secunderabad will, in my opinion, be able to deal adequately with any disturbances which may arise in that area. Some time may elapse before the settlement of the Malabar area can be completed, owing to difficulty of obtaining correct information of designs and movements of the rebels, and the nature of the country to be traversed. For the present requirements, however, the military force in the area is adequate. If reinforcement is necessitated by further developments, I can do this from within my own command."

No. 43.

From Viceroy, Home Department, 20th September 1921.

(Telegraphic.)

Malabar disturbances. Following telegram received from Headquarters, Madras District, dated 18th September:—

"Situation 19 hours. Concentration and reliefs for next move in Malabar completed yesterday. Column consisting of three platoons in busses attacked by 70 Moplahs 4 miles from Manjeri. Rebels had 10 rifles, also swords. Troops de-bussed, returned fire, and rebels dispersed after half-an-hour's fighting. Our casualties: killed, one Jemadar, 83rd Infantry, and one private, Dorsets, wounded. Rebels: 10 killed. Nothing further to report."

No. 44.

From Viceroy, Home Department, 21st September 1921.

(Telegraphic.)

Malabar disturbances. Following report despatched 7 p.m. 19th September from General Officer Commanding, Madras District:—

"Situation Malabar 18.00. No further development to report. Roads south of Nilambur have been reported heavily obstacled."

No. 45.

From Viceroy, Home Department, 21st September 1921.

(Telegraphic.)

Situation Malabar disturbances. Following telegram received from Madras, dated 21st September:—

"Besides events mentioned in General Officer Commanding's telegram to Chief of the General Staff, following information may be of interest. Between 15th and

19th September. 157 accused sentenced by Summary Courts for offences under ordinary law; 174 accused remanded to Special Tribunal for offence against Indian Penal Code and Railway Acts. Only one conviction for breach of Martial Law Regulations, independent of offences under ordinary law; this was for knowingly disseminating false intelligence. Arrangements made for Special Tribunal begin hear cases Calicut, 23rd. Prosecution of 44 persons under section 121, Indian Penal Code, sanctioned. Inspector-General of Prisons, after inspecting prisoners' camp at Bellary, is submitting official proposals in consultation with General Officer Commanding for its utilisation as additional jail, owing to all jails being now full. General Secretary, Indian National Congress Committee, applied for permission to proceed Malabar to distribute relief among sufferers. Informed that he must apply Military Commander, and that Government deprecate multiplication of relief organisations."

No. 46.

From Viceroy, Home Department, 21st September 1921.

(Telegraphic.)

Malabar disturbances. Following is reported from Headquarters of Madras District, dated 20th September, 13.05 hours:—

"Commanding, Malabar, reports small column Dorsets under Major Weldon, engaged by rebels Lavant, East of Karoarakundi, on 18th, inflicting heavy defeat. Rebels' casualties unknown, ours believed nil. Rebels dispersed to the North-East and to the South-East. Kunhamed Haji reported with former. No one of importance Nilambur. Our Nilambur column ordered proceed Kalikaore, and columns instructed to round up rebels in area Karoara, Kundu, Tuvier, Kalikabu."

No. 47.

From Viceroy, Home Department, 24th September 1921.

(Telegraphic.)

Following telegram received by Chief of General Staff from Headquart Madras District:—Situation 18.00 hours. Officer Commanding, Malabar, rep Muhamed Haji addressed meeting Velianazhi 10 miles north of Ottapediam. Bridg two miles north of Nilambur visited; rebel outposts fled. Our troops took two prisoners. A small column visited Manjeri on 19th, was fired on at long range but sustained no casualties. Wynaad reported quiet. Nadonani detachment reconnoitred road four miles towards Nilambur, finding two bridges damaged.

No. 48.

From Viceroy, Home Department, 25th September 1921.

(Telegraphic.)

Following telegrams from Headquarters of Madras District, Wellington. First telegram, dated 21st September:—"Column Suffolks proceeded Ottapalam yesterday to clear area to the north of that place. Column Dorsets under Colonel Herbert has returned to Wandur from east, not having met rebels; column under Major Weldon resting Turur. About 200 rebels round Manjeri, objective believed rice and loot; Manjeri post reinforced. Bridge to the south of Mambad repaired, bridge one mile to the south of Melatur badly damaged, parties of rebels in the vicinity of latter engaged, and guard left on bridge. Detachment Bedfords return Bolarum from Bezwada to-day, having visited Ellore and Guntur, where passage of troops attracted large crowds." Second telegram, dated 24th September:—"Situation 09.00. Company Suffolks operating from Ottapalam report no opposition, and arrest of 44 rebels; two platoons Suffolks now moving on Mannarakkat. Manjeri visited yesterday and small bands seen on distant hills. Major Weldon's column Dorsets marched from Pandikkad 04.30 yesterday, dealt with rebels at Nenmini and was attacked soon after leaving camp; casualties, ours, Dorsets, killed two, wounded one, and one local constable wounded. Names reported separately. Houses at Nenmini surrounded, enemy casualties one killed, 15 captured, also number firearms and swords. Ambush believed planned by guides, who (are) now under arrest. Killed brought Malapuram, wounded evacuated Podanur. Detachment 83rd Infantry proceeded by train Edakkolam with police arrest looters who attacked Brahman House near Ananthavur, wounding two local guards. Colonel Herbert's column now proceeding Nilambur." Third telegram, dated 24th September:—"Commanding Malabar reports Colonel Herbert's column advanced on Nilambur.07.00 and was attacked 1 mile to the south-west of Nilambur. Our casualties, killed one, wounded seven; about 20 rebels killed. Rebels reported still in force round Manjeri, estimated 300. Pandikkad post reports 300 rebels looking Turur from south and east this morning. Suffolk movable column reached Kumaramputtur to the west of Mannarrakkad without opposition."

No. 49.

From Viceroy, Home Department, 25th September 1921.

(Telegraphic.)

Headquarters, Madras District. Wellington reports on 23rd. Situation Malabar 18.00. Column Suffolks reached Cherapuissheri, 9 miles north Ottapalam, 22nd, and were to move east to-day; 100 rebels reported yesterday at Nennini, 4 miles south Pandikkad. Rebels still reported vicinity Manjeri, probably on lookout for rice sent by Calicut Relief Committee. It is reported persons proceeding Nilambur are required pay 5 rupees for pass signed by Kunhamed Haji. Latter now reported at Karvarakundu. Nothing to report from other parts. Health of troops continue good.

No. 50.

From Viceroy, Home Department, 26th September 1921.

(Telegraphic.)

Following telegram received from Headquarters, Madras District, 25th September:—"Situation 18.00 hours. In Malabar, Colonel Herbert's column occupied Nilambur 14.30 yesterday without further fighting. Of 200 rebels in the vicinity, 50 believed moved north across Chaliyar Aeurna River and remainder moved south. Killapetta Rayan among killed. Two platoons Leinsters from Calicut left Feroke yesterday, proceeding up Chaliyar River, due Mambad to-morrow morning. Two platoons Suffolks visited Mannarakkat 24th, but rebels had left after looting all Hindu shops. This detachment rejoined rest of column Karimpuzha, 5 miles south-west of Mannarakkat. Rebels round Cherpulcheri surrendering and handing in weapons; 233 prisoners taken. Mambad post made 23 arrests and captured some weapons. Dett, 83rd Wallajahbad Light Infantry, made three arrests Madrepora Edakkolam."

No. 51.

From Viceroy, Home Department, 28th September 1921.

(Telegraphic.)

General Officer Commanding, Madras District, sent following telegram on 26th instant:—

"I have definitely decided that the methods and powers available at present for dealing with rebellion in Malabar are not adequate. I have come to this conclusion after careful consideration and discussion with Col. S. Radcliffe, Mr. Humphreys, and Mr. Evans. The Moplah programme is framed upon plunder, guerilla warfare, avoidance of battle, and terrorisation. This is proved by the actions recently fought at Nammini and Nilambur. The resistance of the Moplahs is becoming stronger; the probable total strength of their armed fighting gangs is 10,000, and this total is tending to increase. It is evident that a deep influence of unsuspected strength is at the back of the rebellion. In my opinion more drastic measures are demanded owing to the new and unforeseen state of affairs which has arisen. To effect this, two additional battalions of infantry are required, viz., the Burma one offered in your telegram, and one other, preferably a Gurkha one. I should also need a pack Battery of 3·7 howitzers. As soon as the foregoing troops arrive, the present section of 18-pdrs. would return to Bangalore, and also three companies of the 83rd Wallahjahbad Light Infantry could proceed to Madras, in order that the disbandment of the 88th Carnatics could commence. It is essential, furthermore, that the limited powers now enjoyed by the summary courts and special tribunals should be supplemented under the existing Ordinance by means of additional military courts having more ample power to deal with rebels in an act of war against His Majesty's forces on the spot. The death penalty, subject to final confirmation by me, should be included amongst such powers. Also, I recommend that the courts should follow the model set out in the 'Instructions' relating to Martial Law.' When application of the minimum military force is practised, attempts to handle the situation as an ordinary outbreak are liable to collapse; such efforts have been fully exploited and failed. Widespread devastation, prolonged rebellion and famine can only be avoided by taking prompt measures as though the situation were one of actual war, which in fact it now clearly is."

Government of Madras will report after conferring next Thursday with General Officer Commanding. We will consider Local Government's views on proposals made by General Officer Commanding when we have received this report, and in due course will communicate our conclusions.

No. 52.

From Viceroy, Home Department, 28th September 1921.

(Telegraphic.)

Following telegram received from Headquarters of Madras District, Wellington, dated 27th September:—

"Situation 18.00. No further development to report in Malabar. Nadghani detachment reconnoitred Gudalur-Nilambur Road, as far as miles 61½, and report road fit for motor traffic to that point, at which it is blocked with trees. Situation in Madras quiet, except that two small locally-made bombs were thrown into G. 3 Police Station last night."

No. 53.

From Viceroy, Home Department, 30th September 1921.

(Telegraphic.)

Malabar disturbances. Following two reports from Headquarters Madras District have been repeated for our information. First, dated 28th September, 20.10 hours:— "Situation 18.00,. In Malabar, operations were conducted against rebel bands yesterday in the triangle Malapuram, Manjeri, Valluvambrum, and casualties inflicted on rebels. Roberts' column halted night 27th-28th Edavana, and Welldon's at Manjeri. Kunhamed Haji, with rebel band 100 strong, looted Kumbathin Haji's house at Paranbur, 4 miles to the north of Perintalmanna yesterday, has been reported still there last night. Nothing more to report from different parts of district." Second, dated 29th September, 19.40 hours: — "Situation 18.00. In Malabar, telegraph open to Nilambur, rebel bands reported cleared from area Malapuram. Manjeri, Nongan, Perintal Manna, reported all quiet. Movable column Suffolks reached Mannarakat 27th September, finding ambush prepared and road blocked with trees 4 miles to the west of that place, but no opposition experienced. Sita Koya Tangal reported at Alanallur with 500 rebels, and Chambrasseri Tangal was to join him 28th from vicinity of Melattur. Rebels' attempts to enlist recruits vicinity of Mannarakat reported meeting with little success."

No. 54.

From Viceroy, Home Department, 3rd October 1921.

(Telegraphic.)

Malabar disturbances. Following is report from Headquarters, Madras District, dated 1st October 1921, 15 hours:—"Situation 18.00. Malabar rebels attacked convoy returning from Nilambur to Malapuram, wounding two British officers and two British other ranks. Reinforcements have been sent to Edavanna from Manjeri. Rebel band under Kunhamed Haji seen near Mambad 30th September; approximate strength of force, 2,250, with 50 firearms. Small detachment of 83rd Infantry assisted by police brought 92 prisoners to Tirur from Kottikal. Suffolk column, Mannarakat, report 100 rebels 1 mile to the north of that place, and 400 at Kumaraputtur, 2 miles to west."

No. 55.

From Viceroy, Home Department, 4th October 1921.

(Telegraphic.)

Malabar disturbances. Following is from Headquarters, Madras District, dated 2nd October, 19.40 hours:—"Situation 18.00. Movable column Suffolks engaged rebel band 500 strong near Kumaraputtur, 2 miles west of Mannarakat, killing 40 to 50. Nothing further to report."

No. 56.

From Viceroy, Home Department, 7th October 1921.

(Telegraphic.)

Following report received from Madras District, Wellington, dated 5th October:—"Situation 18.00 in Malabar. 200 rebels attacked police station at Valancheri, 5 miles north-east of Kuttipuram, 05.00 on 4th, wounding some police detachments. 83rd Infantry, with Lewis guns, proceeded Kuttipuram and Edakkulam to-day. Malabar situation report not yet received. Officer Commanding, Madras, reports rioting still continues."

No. 57.

From Viceroy, Home Department, 10th October 1921.

(*Addressed Adjutant-General in India, Simla; repeated General Officer Commanding, Southern Command, Poona, and General Officer Commanding, Madras District, Wellington.*)

(Telegraphic.)

Malabar disturbances. Following telegram received from Officer Commanding, Malabar Column, dated 4th October:—"Following punishments awarded by summary courts up to 3rd October;—801 to Sessions, 1.634 to two years, nine to 20 months, 158 to 18 months, 139 to one year, 21 to nine months, 44 to six months, one to four months, two to three months, one to two months; acquitted, 19; whipped, 1. Total, 2,830."

No. 58.

From Viceroy, Home Department, 11th October 1921.

(Telegraphic.)

Following telegrams received from Headquarters, Madras District, dated 6th October and 9th October:—

First. "Situation 18.00 hours in Malabar. Suffolk column, Mannarakat, report large rebel band Tiruvaghamkunn, 8 miles north-west of that place, proceeding Malabar. Two rebel bands each 100 strong from Nemmini tried cross river at Anakayam 4 miles north-east of Malapuram, but stopped by troops from Manjeri and Perintalmanna. Local rebels round Kottakkal committing petty thefts."

Second. "Situation 18.00 hours. In Malabar on 8th, rebels observed crossing Manjeri-Pandikkad road to north and collecting near Elankur. One platoon sent in vening to Tanur to deal with threatened rebel activity in that neighbourhood. On 8th, rebel band observed near Tanur, and bands to the north of Edakkulam reported out for looting. One company of 83rd Wallajahbad Light Infantry left Cannanore for Edakkulam yesterday. Section 8th Armoured Motor Car Company arrived Terur 7th."

No. 59.

From Viceroy, Home Department, 11th October 1921.

(Telegraphic.)

Letter from Madras Government regarding the situation in Malabar was nsidered in Council yesterday. Throughout the interior of Walluvanad and Ernad luks, so the Madras Government state, active war against the British Government openly being waged by a number of armed bodies of Moplahs. They estimate t these bodies include from 8,000 to 10,000 men whose policy is to avoid open encounter and to lie in ambush and snipe at the troops. The Madras Government also state that the Moplahs have spies everywhere, that their information is very much better concerning the movements of our troops, than any information obtainable by our troops, and that they attack and plunder the houses of Hindus, and maltreat the inmates as they will, and are to a great extent masters of the country. More isolated cases of forcible conversion and looting by wandering gangs alone occur outside this area, but the Moplah population is in an uncertain and sullen frame of mind. The Madras Government therefore urge, as being absolutely necessary, systematic military measures with adequate forces, and, as an inevitable and necessary corollary to such measures, that means should be provided for the speedy trial and punishment of those found actively assisting men fighting against His Majesty's forces or those taken in arms against the troops. The opinion of the chief local civil officers has been elicited, and is to the effect that the absence of all provision for speedy trial and punishment has materially fortified the rebels in their resolute defence. They further report that the policy that relegates to Calicut, with the possibility of further proceedings on appeal, the Moplahs caught spying or suspected of leading the troops into ambush, is not understood by the ordinary Hindu population which consequently shrinks from rendering any active assistance to the troops or authorities. The Madras Government urge that the proposed summary courts-martial are only the appropriate and ordinary accompaniments of such operations as are now being conducted in Malabar. Additional troops have already been despatched to Malabar, as you are aware, and the Madras Government are being informed that any further troops they may require will be sent, and we are enquiring whether extra military forces are in fact needed. Further, we are informing them that great importance is attached by us to the strengthening of police, and to the areas cleared by troops being effectively occupied by the police; that the issue of 350 magazine rifles to the special police force being raised has already been sanctioned, and that the issue of such other armament as the Madras Government consider necessary will be sanctioned. Furthermore, we have decided, in view of reasons which we consider convincing, adduced by Madras Government, to issue an Ordinance providing for trial, where considered necessary, of persons guilty of offences under sections 121 and 122 of the Indian Penal Code, and of aiding and abetting such offences, of offences under section 302, Indian Penal Code, if committed in connection with offences necessitating the enforcement or continuance of martial law, of harbouring rebels, or spying, and of any other offence notified in this behalf by the Local Government with the sanction of the Governor-General in Council. Any such trials will be by the Military Commander, or by an officer, not being below the rank of a field officer, who is empowered by the Military Commander in this behalf by writing. As soon as practicable we will telegraph the terms of Ordinance. The Madras Government are also being informed that they should consider whether a Proclamation offering terms of amnesty topersons not guilty of grave crimes or violence should not issue simultaneously with the issue of this Ordinance. On the 13th the Home Member is going to Madras to confer with the military authorities and the Local Government in regard to the measures required to deal with the situation.

No. 60.

From Viceroy, Home Department, 16th October 1921.

(Telegraphic.)

Disturbances at Malabar. Following are two telegrams of 12th October from Madras district:—

"Situation Malabar 09.00 hours. 500 rebels reported in Chelur, 5 miles to the north of Edakkulam. Rebels still in the vicinity of Pukkatur. Band trying to cross ford near Pandikkad engaged by patrol, and band approaching Perintalmanna also engaged. Kunhamed Haji reported in Kakkottu, 4 miles to the east of Nilambur."

Second:—"Situation 18.00 hours in Malabar. Detachments of 83rd Indian Infantry have endeavoured to surround rebel gang, reported in Kaippakancheri, 5 miles east of Tirur, but only saw small body of rebels, who fled at once. Nothing further to say."

No. 61.

From Viceroy, Home Department, 18th October 1921.

(Telegraphic.)

Following telegram received from Headquarters, Madras District, at 7.50 p.m. on 14th September, to Chief of the General Staff:—

"In Malabar, detachment of Dorsets from Perintalmanna engaged rebels on Melattur Road, killing 12. Our casualties (two other ranks) wounded. Dorsets from Mambad surprised rebels laying ambush, inflicting casualties. Rebels of Tenkara Amsam, two miles north-east of Mannarakkat, have surrendered 40 swords. Small body of rebels raided Manjeri last night, inflicting some casualties amongst Hindus. Only one shot fired at our post. Rebel bands from Pukkottur operating towards Feroke and Vengara, two miles north-east of Tirurangadi. Headquarters Malabar, less Deputy Assistant Quartermaster-General, moved to Mallapuram by to-day's mail. Administration wires and letters should still be addressed to Tirur."

No. 62.

From Viceroy, Home Department, 18th October 1921.

(Telegraphic.)

Malabar disturbances. Following two reports from Madras District reported for information. First, dated 15th October:—"Situation 18.00 hours. Scattered rebel bands reported vicinity Nilambur Kunhamed Haji with 200 rebels at Vettikkattiri, three miles to the north-west of Pandikkad, fired on convoy yesterday; fire returned by picquet. Three other bands seen this vicinity fired on by same picquet. Rebels more active to the north of Perintalmanna and engaged by patrol, killing two. Fourteen rebels killed in engagement near Perintalmanna reported in yesterday's situation wire, instead of 12, and three firearms captured. Chin Kachin battalion reached Malapuram to-day." Second, dated 16th October:—"Situation 18.00 hours. Increased numbers rebel bands reported vicinity Nilambur, including one band from outside that area. Wellicuttu bridge, between Manjeni and Pandikkad, reported destroyed last night, and rebels still on road. Movable column has left Manjeni to deal with them. Chin Kachin battalion reached Manjeni, and 8th Gurkha Rifles, 2nd Battalion, detrained Tirur."

No. 63.

From Viceroy, Home Department, 20th October 1921.

(Telegraphic.)

Following telegram received from Madras District, Wellington, by General Staff, dated 17th October:—

"Situation 18.00. Some rebels entered Nilambur and fired shots at 16.00 hours yesterday. Seta Koya Tangal active near Mannar Akkat; has destroyed bridge three miles west of that place. Kunhamed Haji reported still in vicinity Pandikkad as Nellicut bridge destroyed. Reconnoitring party from Manjeri fired at by rebels, fire returned and two rebels killed. Rebel band from Kottakal now reported near Frakammelturi, five miles north-west of Malapuram. Chin Kachin battalion continued march to Edavanna and Wandur to-day."

No. 64.

From Viceroy, Home Department, 22nd October 1921.

(Telegraphic.)

Following telegram received from General Officer Commanding, Madras District:—

"Detachment Gurkhas left Kondotti yesterday to drive rebel band reported at Morayur towards Manjeri, where Dorsets, Leinsters, and armoured cars provided. About 100 rebels attacked Gurkhas near Morayur. Gurkhas retaliated with kukries. 45 rebel bodies counted. Gurkhas' casualties three other ranks. Some firearms and swords captured."

No. 65.

From Viceroy, Home Department, 25th October 1921.

(Telegraphic.)

Following telegrams dated 22nd October and 23rd October received by General Staff from Officer Commanding, Madras District:—

First.—" Situation 09.00 hours. In action referred to in my telegrom of 21st October, Dorsets inflicted 30 and armoured cars one casualty on rebels. Elsewhere all quiet in Malabar."

Second.—" Situation 18.00 hours. Chin Kachin battalion carried out local reconnaissance yesterday, followed by an operation near Wandur to-day, in which rebels suffered five casualties. Chembrassheri Tangal last reported vicinity Melattur, now located at the north of Mannarakkat. Rebels active vicinity Kottakkal last night, and large body reported near Arikkod. Thirteen firearms, 9 swords and 300 rounds ·303 ammunition were captured in engagement 20th. Section 67th Battery, R.F.A., and one platoon 12th Field Company, Sappers and Miners, left Tirur for Bangalore 17.00 hours to-day."

No. 66.

From Viceroy, Home Department, 26th October 1921.

(Telegraphic.)

Correspondence ending with my telegram dated 21st October. Following telegram received by Chief of the General Staff from General Officer Commanding, Madras District, dated 24th October:—

" Situation 18 hours. No change in situation in Malabar. Picquet near Kotiakkal attacked last night by about 100 rebels, who were repulsed."

No. 67.

From Viceroy, Home Department, 27th October 1921.

(Telegraphic.)

Disturbances in Malabar. We have approved, on the recommendation of the General Officer Commanding, Madras District, despatch of two additional Indian battalions—1/39th Garhwalis and 2/9th Gurkhas—to Malabar. General Officer Commanding reports that the situation is entirely in hand, but additional troops are necessary having regard to the desirability that the operations should be brought to a close as soon as possible.

No. 68.

From Viceroy, Home Department, 28th October 1921.

(Telegraphic.)

Correspondence ending with my telegram dated 26th October. Following telegram received by Chief of the General Staff from General Officer Commanding, Madras District:—

" Situation 18.00 hours. In Malabar, band of 50 Moplahs with four leaders reported at Tirurangadi last night. Police reached there 06.10, meeting opposition and inflicting three casualties. Leaders bolted. Chin Kachin battalion from Nilambur surrounded house on Kalikaon road this morning, inflicting casualties and destroying rice, which could not be removed. Large gang reported last night 4 miles north-west of Mallapuram. Operations undertaken against them by Dorsets, artillery, and armoured-cars. Enemy met in jungle west of Malmuri, opposing our troops there and in houses, refusing to come out when ordered to surrender, and offering continued and determined opposition, resulting in 246 rebel casualties."

No, 69.

From Viceroy, Home Department, 4th November 1921.

(Telegraphic.)

Malabar disturbances. Following telegrams received from Headquarters, Madras District:—

First, dated 28th October. "Situation 18.00 hours. In Malabar latest reports placed Chembrassheri Tangal with 3,000 rebels vicinity Alanallur, and Tiruvazhamkunau. Movable column Suffolks visited Alanallur and Velliyanchiri, and returned

Mannarkkat to-day, having seen only few small parties of rebels. In fight at Urangattiri, north-west of Edavanna, Chin Kachins inflicted 38 casualties, not 27 as previously reported. Kunhamed Haji still reported west of Wandur to Pandikkad road, and is being dealt with."

Second, dated 29th October. "Situation 18.00 hours. Dorsets from Perintalmanna inflicted 46 casualties on rebels near Mankada. Company Dorsets from Manjeri surrounded small rebel bands, inflicting six casualties, several other casualties carried away by rebels. Leinsters engaged small band near Kottakkal, inflicting four casualties."

Third, dated 30th October. "Situation 18.00 hours. Detachment special police attacked by rebels to-day near Cheruvayur. 26 rebels killed and two firearms captured. Police casualties are one other ranks killed, one British officer and six Indian other ranks wounded. Detachment special police visited Tamarassheri, and Cherukulattur."

Fourth, dated 31st October. "Situation 18.00 hours. Chin Kachins operating on both flanks River Chaligar from Edavanna, reached Arikkad 29th October. Continued resistance met on south bank in thick jungle. Our casualties one Indian other ranks killed, seven Indian other ranks wounded. Heavy casualties inflicted on rebels. Rest-house and police station, Arikkad, found burnt. 83rd Wallajahbad Light Infantry, operating from Tirur, killed six and captured 21 near Athavanad on 30th October. Gurkhas, operating from Pandikkad and Malattur, carried out reconnaissance north-east of latter place without meeting rebels. Special police near Chiravvayur, still encountering resistance."

No. 70.

From Viceroy, Home Department, 8th November 1921.

(Telegraphic.)

General Officer Commanding, Madras, has furnished summary, of which following is abstract, of situation as it developed between 27th September and 21st October:—

The rebels' change of tactics from open to guerilla warfare has developed steadily, and increasing signs of more efficient and intelligent handling are apparent. More people become committed and implicated as rebellion continues. New recruits are brought in by terrorisation and attraction of loot. Portions of Ponanni and Calicut Taluks and the whole of Ernad and Wallavanad Taluks are involved. Active rebellion is not adopted by every Moplah, but behind the bands ambushing, dacoity and looting is participated in by remainder as opportunity offers. In the intervals they revert to peaceful life. In the military sense the situation is not out of hand, but tendency will be for bulk of population to become part-time as opposed to whole-time rebels, for active bands to become smaller, more elusive and numerous, and for dacoity to increase. Accordingly General Officer Commanding asked for maximum number of troops which he considers will be required. As already intimated, this requisition has been met by despatch of two more Indian regiments. This will permit, with additional police which are being provided, (1) continuous active operations; (2) rebels, against whom these operations are in progress, will be prevented from moving to another place; (3) repair and safety of bridges, roads and communications being secured; (4) immediate action to be taken on local information.

No. 71.

From Viceroy, Home Department, 9th November 1921.

(Telegraphic.)

Malabar disturbances. Following is report from Madras district, dated 6th November, received 8th:—

"Situation 18.00 hours. Platoon, 64th Pioneers, cleared Manjeri-Arrikkod Road yesterday, and reached Arikkod, which has nothing further to report. Dorsets from Malapuram reconnoitred. Vellur police from Kunnamanjalam visited Chattamangalam and Tamarsheri, and found all quiet."

No. 72.

From Viceroy, Home Department, 10*th November* 1921.

(Telegraphic.)

Madras Government have been asked to furnish every week appreciation of situation in Malabar for transmission to you and publication. Following is report for week ending 7th November:—

"Spread of Mapilla rebellion from area hitherto mainly affected to Calicut Taluk has caused considerable anxiety, but there are reasons to believe the call to arms in those parts has not met with very general response. A number of rebel bands have, however, done considerable damage. They have also been engaged in looting, forcibly converting Hindus and collecting arms. Party of special armed police sent deal with situation Calicut Taluk were ambushed at end October, and accounted for 26 rebels, but of their own number six were wounded, including Mr. Colebrook, who had just been appointed to command the Company, with one killed. Mr. Colebrook's wounds are not serious. Active steps being taken deal thoroughly with situation, and not expected trouble will spread further north. It is, however, most important order should be restored here before dealing with interior Ernad and Walluvanad Taluks, both for military reasons and also to safeguard planting area which lies further to north in Taluk of Wynad, and lines of communication thereto, on which planters depend for their transport. At Kongotti in Ernad a band attacked local Mapillas, who are Shiahs, and met with resistance, but succeeded in destroying Sub-Registrar's office and police station, and in damaging tomb of local Thangal or Mapilla religious leader (Shiah). Elsewhere in affected area military have been busy, and have met with local successes, but in one case a party of rebels, who surrendered some time ago, have again taken the field, and in another case some coolies, who assisted Gurkhas in getting their transport across a river, were subsequently attacked, and 15 of them were captured and murdered by rebels. In most seriously affected areas therefore there seems to be no alternative to dealing with rebels in detail, and this is bound to be long and difficult business. There are signs however in some parts of increasing desire on part of rebels to surrender, and on 7th November it was reported that nearly 1,000 from different places in neighbourhood of Malappuram had signified their submission while overtures had been received from other quarters. It remains to be seen how far their professions are genuine, and in any case problem of how to deal with them is difficult one, and this, together with problem of treatment of refugees, who are now very numerous, is engaging attention of local authorities. The reinforcements asked for towards end of October have arrived. The Local Government have also sanctioned increase in the force of special armed police, which was formed at beginning of October, to double its original strength in Malabar under new Indian Territorial Force Act, and number of applications from Hindus for enrolment is reported very satisfactory."

No. 73.

From Viceroy, Home Department, 10*th November* 1921.

(Telegraphic.)

Malabar disturbances. Your Judicial Secretary's letter, dated 1st September. Government of Madras report only one leading janmi murdered; this was on 5th October, victim being Narere Illothe Vishnu Nambudiri, of Pulpatta Amsam, Ernad Taluq. Kovilakoms are buildings owned by Rajas.

No. 74.

From Viceroy, Home Department, 10*th November* 1921.

(Telegraphic.)

On 6th instant following telegram was addressed to the Government of Madras:—

"Statement in Press that planters in Southern India are dissatified with way in which Moplah rebellion is spreading to outlying areas of Calicut, and that it is feared that trouble will spread to Northern Malabar, has been seen by Government of India. They would like to have information urgently as to whether these apprehensions are considered to have any foundation and what the facts are; also, whether any additional steps over and above those suggested in our telegram of 4th instant are considered by the Madras Government to be required."

Following is Madras Government's reply:—

"Your telegram dated 6th instant. There were signs of rebellion spreading westward into Calicut Taluk towards the end of October. Chiurkod, on the left bank of Beypur river adjoining Calicut Taluk, was visited by chief rebel leaders, who with considerable success preached spread of Khilafat Raj. Message reached other side of river, and small bands shortly afterwards commenced evicting, looting and collecting arms. Naturally alarm spread to Calicut and, chiefly owing to the refusal of carts to use the road from Calicut, which is the main line of communication to Wynaad, the planting district was affected. It seems probable that most of the Moplahs who joined the rebellion in this area passively acquiesced in Khilafat Raj, and the trouble has not spread north or west of the Calicut-Wynaad road. Probably the number of combatants is not large, but they are difficult to deal with on account of the country being densely wooded. At the end of October a company of special police prepared to proceed to deal with them, and two more companies have since joined them. Sanction has also been given to the employment of light motor patrols to guard main road, and scheme has now been arranged for dealing with the entire area by a series of drives which will be participated in by bulk of military forces in Malabar and which will take 12 days. Rebellion is not (? likely) to spread further north, but before considering whether any additional troops or further steps are necessary result of present operation must be awaited."

No. 75.

From Viceroy, Home Department, 10th November 1921.

(Telegraphic.)

Following telegrams, dated 7th November and 8th November, and received 10th November, from Headquarters, Madras District:—

First. "Situation 18.00 hours. Following numbers of rebels have signified their submission;—300 from Anakkayam, 400 Kuttilangadi, 200 Maneiola. Overtures also being received from Chappanangadi, Chengoteur, Panga, Pandalur. No rebel activity reported in Presaveras district."

Second. "Situation 18.00 hours. Two companies of special police crossed ferry Lavant to the south-east of Tamarassheri, at 09.00 hours to-day, morning, moving southward. Crossing was opposed by rebels, of whom three killed; our casualties nil. Three rebels killed as the result of small operation carried out by Dorsets in the direction of Vellur, on 6th. Signal communication established to-day from Forest House, Nilambur, to Nadghani. Reports tend to show considerable numbers of rebels collected in Chembrassheri.

No. 76.

From Viceroy, Home Department, 11th November 1921.

(Telegraphic.)

Malabar disturbances. Following punishments awarded by summary courts-martial up to 3rd November;—1,704 to sessions; 2,985 to two years; 9 to 20 months; 231 to 18 months; 203 to one year; 30 to nine months; 70 to six months; 2 to our months; 10 to three months; 6 to two months; 1 to one month. Sixty-eight tted. Total, 5,325.[1]

No. 77.

From Viceroy, Home Department, 11th November 1921.

Telegraphic.)

Malabar. Your telegram dated 2nd November, regarding forcible conversions of is by Moplahs. Government of Madras report:—

Magistrate of the District, Malabar, reports: Trustworthy information received s to 180 conversions, but figure excludes conversions in some of worst areas, which details will not be available till rebellion crushed. Both District and al Commissioners state numbers must be considerably greater, and estimate 500; but this must be regarded simply as expression of opinion. Magistrate of ict adds, many Hindus murdered for refusing conversion. Government of as have deliberately, and for obvious reasons, refrained from making any official l of conversion in the interests of those converted."

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[1] NOTE.—This total is apparently incorrect.

No. 78.

From Viceroy, Home Department, 11th November 1921.

(Telegraphic.)
Following telegrams received by Chief of the General Staff from General Officer Commanding, Madras District:—

Dated 2nd:—"On 1st November, Chin Kachins operating from Wandur had engagement with rebels near Chambrassheri, inflicting eight known and other probable casualties; same regiment carried out reconnaissance south-west from Arrikad to-day. Rebel concentration still reported near Chambrassheri. Auxiliary Police carried out reconnaissance Kunnamangalam area. Our casualties, at Arikkad, five wounded, not seven as previously reported."

Dated 3rd:—"A detachment of 83rd Wallajahbad Light Infantry reconnoitring near Kaipancheri, killed four rebels. 2/8th Gurkhas reconnoitred east of Pandikkad and inflicted two casualties on rebels and captured three. Auxiliary Police operations from Kunnamangalam visited Manrasheri, found all quiet. Country of Calicut to Wynaad Road reported quiet. Motor patrol operating from Calicut."

Dated 4th:—"Detachment Leinsters, while patrolling Kotiakkal Tirur Road, inflicted two casualties on rebels. Dorsets carried out operations against rebel band at Pappinipra, result not yet received. Special Police established post at Manassheri Chin Kachins, Arikkad, sniped at last night without loss; vicinity reconnoitred but no large bands seen."

Dated 5th:—"Detachment 64th Pioneers, while engaged in clearing Manjeri-Arikkad Road, inflicted six casualties on rebels. In yesterday's operations against rebels at Pappinipra, south-west of Manjeri, Dorsets' armoured cars and pack artillery killed 33. Four firearms and 15 swords captured. Mannarakkat column reconnoitred three miles to south, seeing one band."

These telegrams just received from military authorities.

No. 79.

From Viceroy, Home Department, 11th November 1921.

(Telegraphic.)
Following telegram, dated 9th November, received by Chief of the General Staff from General Officer Commanding Madras District, received 11th November:—

"Situation 18 hours. Chin Kachins operating from Arikkad visited Pannikkad. Detachment same unit raided rebel paddy store at Kottarakat, and brought in 20,000 pounds paddy to Nilambur. 100 Moplahs have returned to Nilambur. Beypur River reconnoitred yesterday by boat. Three rebels killed and 16 taken prisoner. Company 83rd Wallajahbad Light Infantry returned Tirur after three days' reconnaissance vicinity Kulattur, during which five rebels killed and 21 captured. 1/39th Garhwâlis detrained Calicut yesterday."

No. 80.

From Viceroy, Home Department, 12th November 1921.

(Telegraphic.)
Following telegram dated 11th November, from General Officer Commanding, Madras District, to Chief of the General Staff:—

"Situation 06.00 hours. Rebels attempted raid Moplah refugees Nilambur, but were driven off, losing six killed; one refugee killed. Another attack expected. Special Police, advancing from Tamarassheri *viâ* Kudattayi, reached Omassheri, met opposition in dense jungle, and reached road near Chattamangalam; 11 rebels killed; police lost one man killed, one officer and three men wounded slightly. 2/8th Gurkhas, moving from Kwnnamangalam *viâ* Chastmangalam, killed three rebels, including murderer of Hindu at Pulakkod; one captured. Gurkhas no casualties."

No. 81.

From Viceroy, Home Department, 14th November 1921.

(Telegraphic.)

Following telegrams dated 11th November, 12th November and 13th November, addressed by General Officer Commanding, Madras, to Chief of General Staff:—

First. "Special police operating vicinity Kalayanna, killed six rebels and wounded others who escaped. Police casualties, one Indian officer and two Indian other ranks wounded slightly. Police operating from Feroke chased rebels from Vengara and Tirurangadi, who had been raiding Tennippalam. Five rebels killed. Dorsets and Leinsters operated against rebel bands near Cherur, Urakammelmuri and Mattammur; result not yet known. Troops from Pandikkad and Wandur co-operated against Chambrassheri, killing four rebels. Rebels dispersed towards Nilambur. 1/39th Garwhal Rifles and 2/8th Gurkha Rifles commenced drive to-day from line Kunnamangalam-Karassheri towards Beypore River. Rebels seen crossing from north bank Beypore River to the south, night 10th-11th, near Kizhuparamba. 2/9th Gurkhas and section 10th Pack Battery Royal Garrison Artillery detrained 9th November."

"Situation 18 hours, 12th November. L.M. Patrol, Southern Provinces Mounted Rifles operating from Puthupadi, commenced patrolling Calicut-Vayittiri Road. Road reported open and traffic resumed both ways. Operations which began yesterday continued towards Beypore River, according to plan, result not yet known. Dorsets killed 39 rebels in yesterday's fighting in Mattatur area. Petitions received from 16 more Amsams round Mallapuram, expressing desire to submit."

"Situation 18 hours, 13th November. Special police operating vicinity Mallauamma, saw several rebel bands on hills, but out of range, one rebel killed; 83rd Wallahjahbad Light Infantry operating from Mannarakha, raided rebel feast, 7 miles from that place, capturing six prisoners. Rebels reported concentrated near Pandalur, to prevent submission inhabitants. Report of operations to the north of Beypore River not yet received, but troops believed reached river."

No. 82.

From Viceroy, Home Department, 15th November 1921.

(Telegraphic.)

Continuation our telegram dated 10th November. Following is report of situation in Malabar for week ending 14th November:—

"Military operations have been mainly confined to combined drive of area north and east Calicut, in which four battalions are taking part. These operations will continue until 20th, and results so far have not been reported yet. Elsewhere there has been spasmodic rebel activity, and there are indications that leaders are doing their best spur their followers to greater activity in country round Mallappuram. Increasing number Moplahs have signified their desire submit, and Government have roved of issue of orders stating that no further action will be taken against those em who have been concerned in subordinate capacity only, in offences committed e 27th August, against the State, or Government property, unaccompanied by riminal force, subject to their good behaviour and active co-operation with nment in arresting and handing over important rebels and criminals. Hoped is will have desired effect, but too early yet judge results."

No. 83.

From Viceroy, Home Department, 16th November 1921.

legraphic.)

lowing telegram, dated 14th, received from General Staff 16th:—

tuation 20 hours. Approximate results of first phase of operations in Malabar s:—Total rebel casualties 104; captured 7; guns captured 25, of which one Henri rifle and one 12-bore gun. Principal event was destruction of enemy 5th, who operated against 2/8th Gurkhas from building near Cheruvadi. All ccounted for after severe fighting. Our casualties this action, one Gurkha officer killed; one British officer and 13 other ranks wounded. Of remaining units, only casualty was one man 2/8th Gurkhas slightly wounded. At 05.30 hours this morning, Pandikkad Post, held by one company 2/8th Gurkhas, was heavily attacked by Moplahs estimated at about 2,000. Fifty-six rebels succeeded in penetrating post, all of whom were killed. Total number of enemy killed 230; one prisoner captured. Our casualties, one British officer severely wounded, since died, Capt. Averill, 2/8th Gurkhas; three other ranks killed, and 34 wounded, mostly slightly. Civil Postmaster of Pandikkad was murdered. One gun and 139 knives captured. Small party armed Moplahs seen at junction Tirur-Kottakal-Tirurangadi roads, of which one killed. Kuruva Amsam has now definitely surrendered. Inthyannur and Ponmala Amsom, both near Kottakal, have sent in petition to submit."

No. 84.

From Viceroy, Home Department, 17th November 1921.

(Telegraphic.)

Moplah rebellion. With a view to expediting trial of very large number of less important cases of dacoity, still awaiting trial by special tribunal, Government of Madras proposed that First Class Magistrates empowered to exercise powers of Summary Courts, under section 6, sub-section 2, of Martial Law Ordinance II. of 1921, should be authorised to try all offences, except those punishable with death, an appeal lying to the Special Tribunal where sentence exceeds two years' imprisonment. Governor-General accordingly promulgated Ordinance on 11th November, authorising the appointment of such Magistrates as Special Magistrates, provided they have exercised powers of First Class Magistrate for not less than two years, and empowering them to pass sentences which may be passed by a Magistrate specially empowered under section 30 of Code of Criminal Procedure. Such Magistrates shall have power to try such offences as the Local Government, or an officer empowered by the Local Government in this behalf, may direct, but shall not try—

(1) Any offence, other than an offence connected with events which have necessitated the enforcement or continuance of Martial Law;

(2) Any offence, other than an offence committed in any area after the date notified in respect of that area under section 7 clause (*b*) of Martial Law Ordinance II. of 1921.

(3) Any offence punishable with death.

An appeal to the Special Tribunal will lie in the cases of sentences of transportation, or of imprisonment for more than two years. Special Magistrates will follow procedure prescribed in section 6 of Martial Law Supplementary Ordinance for trials by Special Tribunal, and in dealing with appeals the Special Tribunal will follow the same procedure and exercise the same powers as an Appellate Court under the Code of Criminal Procedure. Copy of Ordinance follows by outgoing mail to-day, 17th November.

No. 85.

From Viceroy, Home Department, 18th November 1921.

(Telegraphic.)

Malabar. Following punishments were awarded by Summary Courts up to 3rd November 1921:—Committed to Sessions, 1,704. Those awarded two years' imprisonment, 2,985; twenty months, 9; eighteen months, 231; one year, 203; nine months, 30; six months, 70; four months, 2; three months, 18; two months, 6; one month, 1.

No. 86.

From Viceroy, Home Department, 18th November 1921.

(Telegraphic.)

Following report received from Madras District, Wellington, dated 15th November:—

"Situation 18.00 hours. Southern Provinces Light Horse patrol reports traffic resuming on Calicut-Vayittiri road, but vicinity Tamarassheri still liable to visits from looters, who are being dealt with. Troops engaged in drive have reached line assigned for to-day; report no event of importance. Several more Amsams vicinity Malapuram have expressed desire to submit; elsewhere, situation quiet."

No. 87.

From Viceroy, Home Department, 18th November 1921.

(Telegraphic.)

In continuation of my telegram dated 18th November. Following telegram dated 16th November, addressed by General Officer Commanding, Madras District, to Chief of the General Staff :—

" Situation 18.00 hours. Reports not yet received regarding operations in progress to the south of Beypore river, but indications little serious resistance. Rebels from Vengara murdered Hindus about Nanambra. Band from north active near Anamangad. Bridge at 33rd milestone destroyed. Both bands being dealt with. Kottakkal and Murkanad, 3 miles to Sedenri, submit."

No. 88.

From Viceroy, Home Department, 19th November 1921.

(Telegraphic.)

Following telegram, dated 17th November, addressed by General Officer Commanding Madras District to Chief of the General Staff :—

" Situation 18.00 hours. One hundred rebels killed in second phase of operations in Malabar. Several firearms also captured ; total not yet known. Only incident was attack on party 1/39th Gurhwalis by some 12 rebels, all of whom were killed after hand-to-hand fighting in thick jungle ; our casualties, two other ranks killed and three wounded, all 1/39th Gurhwalis. No other casualties elsewhere. The company Auxiliary Police, following troops, traversed practically whole area on 15th and 16th ; no opposition whatever met with. Reports indicate Seetha Koya Tangi has joined Chambrassheri Tangi and Variam Kunhamed Haji at Chambrassheri ; confirmation awaited. Kumaramputtur surrendered yesterday."

No. 89.

From Viceroy, Home Department, 21st November 1921.

(Telegraphic.)

Government of Madras telegraphed on the 21st instant as follows :—

" On the evening of the 19th instant, 100 convicted Moplah prisoners were entrained at Tirur. Podanur was reached soon after midnight, when it was found that 56 were dead. Medical aid was at once given, and those alive were conveyed to Coimbatore. Subsequently there were eight further deaths. The prisoners had been placed in closed luggage van, and death was apparently due to suffocation owing to defective ventilation. We have not received any explanation as to circumstances in which van was used instead of third-class compartment, or why signs of distress were not noticed earlier ; but the matter is being investigated, and a full report will be forwarded as soon as possible. The main facts so far as known published in a Press communiqué issued to-day."

No. 90.

From Viceroy, Home Department, 22nd November 1921.

(Telegraphic.)

Continuation my telegram of yesterday. Malabar. Death of number of convicted prisoners in train. In Press communiqué by Madras Government, dated 21st November, it is stated A. R. Knapp, Special Commissioner for Malabar, has been instructed to make immediately full enquiries into this deplorable occurrence.

No. 91.

From Viceroy, Home Department, 22nd November 1921.

(Telegraphic.)

Continuation our telegram dated 15th November. Following is report of situation in Malabar for the week ending 21st November :—

" There has been considerable military activity during week. Drive of country north of Beypore river and then south of river to Feroke Kondotti Edavana road was carried out successfully. On several occasions troops met with determined resistance from resolute bands Moplahs, and total number casualties inflicted during drive was 233 killed, 54 captured and 31 guns We also sustained casualties, including one Gurkha officer killed and one British officer wounded, mortally. Effect these operations has been good, and though it cannot be said that area has been entirely cleared of rebels, reasonable expect there will be no active resistance here for some time to come. Rebels however in eastern area took opportunity during absence of bulk of troops taking part in drive to make early morning surprise attack in force on Gurkha post at Pandikkad on 14th. About 60 Moplahs succeeded in penetrating post before men were properly awake, and severe fighting ensued, which ended in at least 234 Moplahs being killed; these bodies were burnt same day. One British officer, Capt. Averell, and three other ranks were killed, 34 other ranks were wounded. As forecasted in last weekly telegram, one result of drive seems to have been to spur rebels on to desperate efforts. Large concentration Moplahs under all best known leaders reported have taken place near Chambrasseri, and it would probably be most satisfactory, from military point of view, if these could be induced to give battle. Petitions offering submission continue to be received from country round Malappuram and also from the neighbourhood of Kondotti. Altogether considerable progress has been made in dealing with rebellion during last week. Press communiqué is issuing to-day regarding deplorable incident of death of Moplah prisoners in train on way Bellary jail. Full enquiries being made in the matter and result will be reported as soon as possible."

No. 92.

From Viceroy, Home Department, 22nd November 1921.

(Telegraphic.)

Following telegrams received by Chief of the General Staff from General Officer Commanding, Madras District:—

First, 18th November:—"Situation 18.00 hours. During third phase of operations, which started 11th, rebel casualties were 29 killed; of these 20 were inflicted by 39th Garhwalis. Total result of operations to 18th: rebel known casualties, killed 233, prisoners 54, firearms captured 31. Concentration reported in yesterday's situation report is confirmed. Rebels from west to Manjeri-Malapuram road joining this concentration, which now appears to consist of bands of all known leaders."

Second, dated 19th November:—"Situation 18.00 hours. Troops from Perintalmanna, raided Kakkut, near Perintalmanna, where rebels were reported to return at night. Four rebels were killed and 50 captured, several of whom are known criminals. Burma battalions operating from Wandur, attacked party of rebels on Wandur-Kadikavu road, killing 10, and capturing six firearms and four swords. This road is blocked by felled trees between tenth and twelfth milestones."

Third, dated 20th November:—"Situation 18.00 hours. Auxiliary Police carried out punitive operation between Mandando and Mandat, in Manasheri area. Four rebels killed and one firearm captured. Kachin Battalion from Nilambur, raided rebel paddy store at point, five miles to the east of Nilambur, and brought in 35,000 pounds paddy and 20 head of cattle. Small band rebels reported to have broken back westward, near Tikkalangod-Madrepora-Manjeri. Remainder still to the east of Nilambur-Edavana-Manjeri road."

No. 93.

From Secretary of State to Viceroy, Home Department,
22nd November 1921.

(Telegraphic.)

Suffocation of Moplah prisoners. Reference your telegram of the 21st November. I am shocked at the terrible consequences of what seems, in absence of explanation, to be culpable negligence. I trust that investigation will be urgently dealt with by the Local Government, and that if the facts are as stated no time will be lost by the Government of India in expressing its views publicly. This incident is peculiarly untoward in view of the fact that the suppression of the disturbances in Malabar has been in general so well conducted.

No. 94.

From Viceroy, Home Department, 23rd November 1921.

(Telegraphic.)

Following telegram addressed by General Officer Commanding, Madras District, to Chief of the General Staff, dated the 21st November:—

"Situation 18.00 hours. Detachment Leinsters from Kottakkal engaged small rebel band at Chernsol, killing seven. Troops occupied positions yesterday preparatory to operation which commenced to-day; reports not yet received. Forty refugees reached Nadghani Post from Eltakkare on 16th; they state no rebels at Eltakkare, but band was expected on 20th. Officer Commanding, Wynaad, reports numerous rebels surrendering at Kunnamangalam. Some tea shops have been opened on Calicut-Vayitteri road, and some women folk have returned."

No. 95.

From Viceroy, Home Department, 24th November 1921.

(Telegraphic.)

Correspondence ending my telegram dated 22nd instant. Following *communiqué*, dated 23rd, issued by Madras Government:—

"From further information that has reached Government, they learn that Mappilla prisoners, whose deaths are under investigation, travelled in luggage van similar to that in which such prisoners been regularly conveyed hitherto without any ill-effects whatsoever. There are other circumstances also which throw doubt on diagnosis first made, that cause was due to asphyxiation. Government have therefore instructed Surgeon-General to proceed to spot to make full investigation as to cause of death."

No. 96.

From Viceroy, Home Department, 24th November 1921.

(Telegraphic.)

Telegram received communicating facts reported in our telegram of to-day, states that public enquiry into occurrence has been ordered to be made by Knapp, with committee of three non-officials including one Muhammadan, and that pending results of these enquiries it is impossible to locate responsibility or blame.

No. 97.

From Viceroy, Home Department, 25th November 1921.

(Telegraphic.)

Following telegram, dated 22nd November, from Headquarters, Madras District, received on 24th November:—

"Situation 17.00 hours. Troops moving eastward from Manjeri-Edavanna road towards Pandikkad-Wandar road met with no opposition yesterday, and saw few rebels. 83rd Wallajahbad Light Infantry reconnoitred eastward from Mannarakkat and were fired at during return journey. Eight rebels were killed; one gun and three swords captured. Southern Provinces Mounted Rifles patrol, Tamarassheri, arrested 16 rebels near where Hindus had been found murdered, one mile to the south of that place."

No. 98.

From Viceroy, Home Department, 25th November 1921.

(Telegraphic.)

Continuation of my telegram dated the 21st November. Moplah prisoners. Your telegram of the 22nd instant has since reached us. We think that, until further information as to the facts is received from the Local Government, no public expression of our views is possible.

No. 99.

From Viceroy, Home Department, 27th November 1921.

(Telegraphic.)

Correspondence ending with my telegram dated 25th November. Moplah prisoners. *Pioneer* of 24th contained statement that in the throes of asphyxiation several prisoners bit each other so severely on all parts of body that some bodies were mangled beyond recognition. It has been ascertained from Local Government that this statement is absolutely untrue. All medical officers who saw prisoners and corpses on arrival at Podanur agree that with the exception of few slight scratches there were no external marks of violence.

No. 100.

From Viceroy, Home Department, 28th November 1921.

(Telegraphic.)

Malabar situation. Following from Madras, dated 24th, received to-day:—

"In Malabar, troops reached line Perintalmanna-Pandikkad-Karvarakundu yesterday according to plan. Practically no rebels seen. About 200 rebels reported gone to the north of Kulikavu. Majority appear to have moved south, but confirmation lacking. Operations continue south-eastwards. Officer Commanding, Wynaad, reports 3,000 Moplahs registered at Kunnamangalam, where bazar has reopened, and traffic on Calicut-Vayittiri Road is normal. Southern Provinces Mounted Rifles L.M. Patrol, which has been patrolling road, being demobilised to-morrow, at request local civil authorities. Detachment South Indian Railway Battalion posted as guard at Olavakkot central to-day."

Following, dated 25th:—"Numerous small rebel bands reported moved into hills to the east of Velliyancheri. Chin Kachins, when advancing to Periamodu on 23rd November, killed 17 rebels. Rebel band, estimated 60 strong, raided outskirts Wandur to-day, burning 47 houses and inflicting four casualties on inhabitants."

No. 101.

From Viceroy, Home Department, 29th November 1921.

(Telegraphic.)

Continuation our telegram dated 21st November. Following is report of situation in Malabar for the week ending 28th November:—

"Military operations. Force continued during the week in the interior of Ernad, first up to Kalikaon-Pandikkad line, and then through the Chembrasseri country to the Velliancheri area. The large rebel concentration reported in last week's telegram did not however materialise, and the enemy seem to have broken up and taken to hills, or escaped through the line. Troops inflicted a few casualties, but on the whole the result of these drives was disappointing, and it will probably be more satisfactory to revert to old tactics of allotting different areas to different battalions to deal with at leisure. Surrenders continue from Kottakkal area, where a real progress has been made, and also from round Mannarghat, and in the Calicut Taluk. Too much importance cannot however be attached these surrenders. Rebellion is work of gangs, who enlist temporary active support from local criminals, and otherwise only half-hearted support from the average Mapilla. It is latter who are surrendering, and gangs and criminals remain to be dealt with, and will have to be exterminated or decisively defeated before the rebellion can be ended. Several raids have been carried out by rebels, and spasmodic murders and looting continue to be reported. These may not affect main issues to any great extent, but naturally cause alarm and prevent restoration of public confidence. A public enquiry, under chairmanship Mr. Knapp, Special Commissioner for Malabar, holds first sitting to-day into Mapilla prisoners' train catastrophe. Mr. Knapp assisted by three non-officials, and their report awaited from Madras. Have already taken opportunity to contradict certain misstatements, which have appeared in the Press, regarding this most deplorable incident."

No. 102.

From Viceroy, Home Department, 30th November 1921.

(Telegraphic.)

Following telegram received from General Officer Commanding, Madras District, by Chief of General Staff, dated 29th November:—

"Situation 18.00 hours. Troops moving to the areas allotted to them after conclusion of drive. Detachment 1/9th Gurkhas operating from Perintalmanna raided Ponniyakurussshi, killing five rebels. 500 rebels reported to have collected about Arikkod."

No. 103.

From Viceroy, Home Department, 30th November 1921.

(Telegraphic.)

Following from Madras, dated 26th, received 30th:—

"Drive which commenced 21st November completed to-day; precise results not yet known. Rebels have avoided action and scattered into hills."

Also following, dated 27th:—

"Detachment 2/9th Gurkhas from Perantalmanna, operated against Pulamanthol, killing 10 and capturing 10 rebels. Yesterday's reports show that many rebels escaping from drive have collected in Nilambur area, other bands making their way back to Arikkod and other places whence they came to join concentration. Further surrenders occurring about Kottakkal, where weekly market is commencing."

No. 104.

From Secretary of State to Viceroy, Home Department,
2nd December 1921.

(Telegraphic.)

Moplahs. Your telegram dated 15th November described orders regarding submissions, and Madras review for week ending 28th November states surrenders continue. Can you give any figures or statements indicating to what extent submissions have been made and accepted?

No. 105.

From Viceroy, Home Department, 2nd December 1921.

(Telegraphic.)

Following telegram received from General Officer Commanding, Madras District, by Chief of the General Staff, dated 29th November:—

"Situation 18.00 hours. Four rebels were killed and three wounded by a small detachment 2/8th Gurkhas, two were captured. The Signal Station at Otapara Point company of special police captured 13 rebel members of Kaipakancheri gang near Tanalpur."

No. 106.

From Viceroy, Home Department, 2nd December 1921.

(Telegraphic.)

Following telegram received from General Officer Commanding, Madras District, by Chief of the General Staff, dated 30th November:—

"Situation 18.00 hours. Company special police, operating in vicinity Nabbambra, inflicted nine casualties on Tirurangadi band. Two rebels were killed and one captured by police, operating from Nilambur yesterday. Six casualties also inflicted by special police, operating near Chelembra. Suffolks have established Signal Station on Urakuth Mala. Much movement small bands rebels from east to west. Reported their object to say prayers at Mambram, prior to making final stand. Confirmation awaited."

No. 107.

From Viceroy, Home Department, 3rd December 1921.

(Telegraphic.)

Following telegram received by Chief of the General Staff from General Officer Commanding, Madras District, dated 2nd December:—

"Situation 18.00 hours. Suffolks and Company 83rd W.L.I. carried out successful operations yesterday against Vengara and Cherur area; 36 rebels were killed and six captured. Company 83rd now at Tirurangadi. A Company, Auxiliary Police, killed three rebels near fifth milestone, Terurangadi-Feroke road. Special Police from Nilambur under Sub-Inspector Agputnair surprised eight rebels in house near Parakottuvayal, killed six, captured two, also four firearms and six swords. 2/8th Gurkhas from Millatur surprised Moplah sentry group, killing five, wounding one."

No. 108.

From Viceroy, Home Department, 5th December 1921.

(Telegraphic.)

Following telegram received from General Commanding, Madras District, by Chief of the General Staff, dated 2nd December:—

"Situation 18.00 hours. Auxiliary Police searched country between Tirur and Tanur, east of railway; all quiet. Moplahs surrendering in Idoluto, Luscilo, Mellatur and Vettattur and Harkilakonu Amsoms."

No. 109.

From Viceroy, Home Department, 6th December 1921.

(Telegraphic.)

Following telegrams received from General Officer Commanding, Madras District, by Chief of the General Staff. First, dated 3rd December:—

"Situation 18.00 hours. D. Company, Special Police, in operation about Kaipancheru, killed 4 and captured 9 rebels. A. Company, killed 8, and captured 1 firearm and 4 swords near Tuvvur. Moplahs from eight Amsams, with Milattur as centre, and Vettatur as most southerly point, surrendering in large numbers. Total yesterday and to-day, 1,804 men with 1 firearm, and 764 knives. 310 surrendered round Perintalmanna."

Second, dated 4th December:—"Situation 18.00 hours. Chin Kachins reconnoitred from Nilambur and Kalikavu towards each other, and sent a detachment to Wandur *viâ* Amarambalam, resulting in 4 rebels killed, 3 swords captured, and 80,000 pounds paddy brought in. 1,500 rebels have surrendered at Arikkod, handing in 3 swords. Numerous rebels, desirous of submitting, reported along south bank Beypore River, between Arikkad and Edavanna. 525 with 9 swords submitted at Mannarkat yesterday."

No. 110.

From Viceroy, Home Department, 6th December 1921.

Following telegram received from Government of Madras, dated 6th December:—

"District Magistrate, Malabar, wires on afternoon of 4th instant, Mapilla convicts in Central Jail, Cannanore, rioted, and District Superintendent of Police ordered fire, with result that 9 killed and 12 wounded. No casualties among jail employees, except 3 warders slightly wounded. Details when received will be communicated to Government of India."

No. 111.

From Viceroy, Home Department, 6th December 1921.

Correspondence ending with our telegram dated 29th November. Following is report of situation in Malabar for the week ending 5th December:—

"Definite areas have now been allotted to different battalions, so as to cover whole affected area. Some minor engagements with rebels have taken place, and surrenders continue from many parts of area hitherto chiefly affected, while there are signs that chief rebel leaders are becoming dissatisfied with progress of affairs. Near Melattur, large body of Mapillas have surrendered and handed in 250 swords, and Arikkod, which a few weeks ago was important rebel centre, is now displaying number of white flags. Chief gangs still remain to be dealt with, but it seems probable that these will decrease in size as time goes on. Main desideratum at present, apart from capture of leaders, is to restore confidence in non-rebel population, and to induce them to assist in apprehension of offenders and restoration of normal conditions. Present military dispositions are designed with this object, and will, it is hoped, have desired effect. Civil population shows little enterprise."

B.--Malabar and the Moplahs: A Leaflet issued by the Madras Publicity Bureau.

Malabar lies between the Arabian sea and the western face of the Nilgiri hills and the Mysore table land. Some of the peaks on its eastern boundary rise to a height of over 8,000 feet, the average height reached being about 5,000 feet. It gets the full force of the south-west monsoon. A narrow strip of sandy country stretches along the coast a distance of 150 miles, but inland the surface ascends in range after range of low red laterite hills with paddy flats fringed with coconut gardens winding in and out of their recesses, and beyond in the long spurs, deep ravines and thick jungles that mark the rise of the ghats. The rainfall is very heavy, and vegetable growth extremely luxuriant.

The whole district is divided into nine taluks, of which Ernad and Walluvanad taluks in South Malabar have always been the chief seats of Moplah outbreaks. Ernad in particular is peculiar in that the Moplahs outnumber the Hindus. It is the taluk in which the hills reach the greatest elevation; it has the highest proportion of forest, jungle, and uncultivated land, parts being unsurveyed and almost uninhabited.

By the 1911 census Malabar had a population of 3,015,119, of whom 953,381 were Muhammadans. Practically all the Muhammadans are the people known as "Mappillas" or "Moplahs," who originally sprang from the union of Arab traders and sailors with Indian women. The trade of the Malabar coast with Mesopotamia and other countries of the west is very ancient and important. One commodity in particular—pepper—has always been highly prized in the west, and having high value in small bulk was capable of bearing the cost of transit when navigation was dangerous and difficult, and this trade was largely carried on by Arabs. The Zamorins of Calicut, who were the chief potentates of the district before the time of the Portuguese conquest, gave much encouragement to these Arabs for the sake of their seamanship, and even encouraged them to make converts from among the low caste Hindus. From the earliest times of which we have knowledge of them their numbers have been growing rapidly, partly by natural increase and partly by conversions. With regard to natural increase, their religion encourages them to have more than one wife when they can afford it, and consequently no Moplah girl remains unmarried. They are also a vigorous and prolific folk. With regard to conversion, they are always willing to receive members of the lowest and most untouchable castes as converts, and such converts on becoming Muhammadans are relieved from the social oppression under which they suffer as long as they are Hindus. The faces of the Moplahs on the coast show their partial Arab ancestry, but those in the interior appear to be of almost pure Indian descent.

The Moplahs as a rule are frugal, industrious, and enterprising. They excel their Hindu competitors in heavy unskilled manual labour, and also take readily to various crafts which require both strength and skill. In the interior they work on the estates of planters, or of big Nambudiri landlords; they take leases of land, and they do pioneering work in the jungles, making new clearances and levelling plots of land along the beds of streams for the purpose of growing paddy. They also take readily to trade, and some of them through trade amass considerable wealth. The great bulk of the trade of Malabar is in their hands. Nevertheless, the great majority of them are poor and almost entirely without any substantial property either in land or goods. Their families are large and their customs of inheritance provide for the distribution of property among wives, sons and daughters, so that if in one generation a fortunate and enterprising Moplah accumulates a considerable amount of property, it tends to be speedily divided into small fractions among his descendants.

Educationally they are very backward; 945 out of each thousand are illiterate, and what education they have is mostly religious. There are small schools attached to almost every mosque, in which the children are taught to repeat by rote passages from the Koran. Government has made special efforts to improve education by inducing the religious teachers to give some elementary secular instruction in the vernacular as well as the instruction in the Koran; but progress has been very slow, owing to the incompetence of the religious teachers to give the instruction asked for, to religious scruples, and the supreme indifference of the Moplah to secular education. Since 1894, the Moplahs of Ernad and Walluvanad have been officially recognised as an educationally backward class, and special grants have been given for their education, and aided schools have been established apart from the mosques. But the fact that the Moplahs refuse to attend the same schools as the Hindus has caused the progress in this direction also to be slow. In religion the Moplahs are fanatical, looking upon all non-Moslems as Kafirs. They belong to the Sunni sect, and have great reverence for the Sultan of Turkey as Khalif. Most particularly they hold very firmly to the belief that should they die fighting against unbelievers, in the cause of Islam, they will be carried straight to Paradise by Houris, there to have their wounds miraculously healed, and to live in luxury and joy for ever. It can easily be imagined how alluring this prospect must be to the Moplah labouring on the coast, or on another man's fields, or earning a hard living from a clearing in the jungle, particularly towards the close of the monsoon season with its melancholy downpour.

It will be seen, therefore, that there are two sets of causes predisposing the Moplah to outrage. The religious motive is the more powerful, but there is also the effect of the economic contrast between the hard living of the Moplah and the life of the stately houses belonging to the Nambudiri landlords. All the land of Malabar is supposed to belong primarily to chief landlords called Jenmies, who are mostly Nambudiri Brahmins. By Nambudiri custom, only the eldest son may contract a legal marriage, and the property descends from the father to the eldest son. Hence Nambudiri properties are not subject to division, but on the other hand they tend continually to grow wherever there are other properties adjoining them not owned by Nambudiris, for it is the custom of Nambudiris to be eager to buy land, but very unwilling to sell it.

Nambudiris let out their lands on 12 year leases called *kanams*. If the lease is not renewed at the end of 12 years the tenant (kanamdar) has a right to compensation for improvement. Leases are commonly renewed, though sometimes at an enhanced rate, and when the right of a jenmi to transfer a lease to a new tenant is exercised, such action is bitterly resented. The fact that the Nambudiris are generally very easy-going landlords, and the rents they demand are usually greatly below the full rack rent, causes the refusal to renew a lease on the part of the landlord to be a great blow to the tenant. Hence the fact that Nambudiris are usually so little greedy is itself an occasion for agrarian discontent. This agrarian cause for discontent is not a special grievance of the Moplahs, it equally affects the Nayars and other Hindu castes who supply the great majority of *Kanamdars*.

Before British rule was established, Malabar suffered terribly from Moslem fanaticism, especially at the hands of Tippu Sahib. During the period of British rule 35 serious Moplah outbreaks have occurred. Ignorance and educational backwardness have been held to be one contributing cause; these have been combated by the educational policy referred to above; the agrarian factor has been recognised in the Malabar Tenancy Act, 1887, which gave tenants compensation for improvements. But there never has been any doubt that religious fanaticism has been the main and dominant source of outrages, and for this there has been no effective remedy. Special Acts passed in 1854 and 1859, and still in force, provide for disarming Moplahs and for levying fines on villages where outrages occur.

The cause of the present Moplah outbreak was the excited state of religious fanaticism which has been aroused among the Moplahs. The non-co-operation and Khilafat agitations had reached Malabar. The doctrines preached were of course (1) that the Government of India is Satanic and that Hindus and Moslems should unite to paralyse it and establish instead some vaguely conceived "Swaraj" under which all classes were to be happy and prosperous; (2) that the Government was the enemy of Islam and had injured and was continuing to injure the sacred principle of Khilafat; and (3) that nevertheless both the Hindus and Muhammadans should exercise the virtue of non-violence. Care was taken to indoctrinate the religious leaders and teachers of the Moplahs, the Tangals and Moulvies, with this teaching, and although some enlightened Moulvies protested and declared that rebellion against constituted authority was contrary to religion, there can be little doubt that the first two of the above-mentioned three doctrines were accepted by the great body of religious teachers and leaders among the Moplahs, but little regard was paid to the teaching of non-violence. A conference was held in April 1920 in Manjeri, the capital of Ernad, the very centre of the fanatical zone. It was very largely attended by Moplahs, and many inflammatory speeches were made and a strong resolution on the Khilafat passed, in spite of the efforts of Mrs. Besant, who secured the support of only a small minority. Again there was a similar conference in April 1921 in Ottapalam in Walluvanad. The well-known speech of Mr. Muhammad Ali in Madras and that at Erode in the adjoining district of Coimbatore, which was given to an audience which included a great number of Moplahs, were well calculated to inflame religious passions still more.

There have been many Moplah outbreaks in the past. But the present one is different from all that have preceded it in its wide extent and clear evidence of systematic preparation and organisation. Previous outbreaks have generally been spontaneous and have been occasioned by disputes about religious matters, usually the desire of a recent convert to return to Hinduism. Such outbreaks have been local and spasmodic; they have been ugly affairs because the Moplah rioters only desire to be killed themselves after killing as many non-Moslems as possible; but they have been comparatively little dangerous because of their local and spasmodic character. In fact, whereas the previous outbreaks may be described as homicidal riots the present one can be rightly classified as a rebellion. It has been all the more serious on account of the number of demobilised Moplah recruits to the army who had learnt something of the methods of modern warfare in Mesopotamia.

It has been argued that the outbreak could not have been due to non-co-operation and Khilafat agitation because the propagandists in these movements were quite recently prohibited from holding meetings in Ernad and Walluvanad taluks. The agitation was checked in these taluks because they are the part of Malabar in which Moplah outbreaks are a continual danger; and it was clearly to be foreseen that the preaching of the doctrine of the Satanic quality of the Government and the theory of the injury to the Khilafat would certainly lead to an outbreak. But the mischief done at Manjeri, Ottappalam and Erode remain. Nor was it possible to prevent the doctrines mentioned above from spreading from mosque to mosque combined with rumours of the approaching establishment of "Swaraj." In June and July bands of volunteers wearing a kind of uniform and sometimes swords were noticed in various localities. Parties of them began to assemble at Tirurangadi, at the place where the bodies of the Moplahs in the outbreak of 1894 had been burnt. At the beginning of August other signs of rebellious organisation were noticed. At Pukkottur, near Malappuram, a crowd of several hundreds of Moplahs armed with knives, swords and spears collected and levied blackmail from the landlord and threatened to murder the Inspector of Police. The latter stood his ground with great coolness and bravery and the crowd ultimately dispersed. But the police were powerless to arrest any of the offenders either at the time or subsequently. A little later at Tanalur, near Tirur, where Moplah pickets assaulted a number of Tiyya toddy drawers and broke their pots, a mob prevented the police from making any arrests. The concerted action of the crowds in these two cases and the manner in which they were armed showed that they were acting under some sort of organisation. The District Magistrate decided to arrest the leaders and proceeded against them under the Moplah Outrages Act. He went to Tirurangadi on the early morning of Saturday, 20th August, accompanied by a party of the Leinster Regiment and a party of special police. After he arrived at Tirurangadi certain houses were searched for the men wanted, and then some of the police who were Moplahs were ordered to search a mosque in the town for hidden weapons. They did this barefooted and no non-Moslem entered the mosque, although rumours were subsequently spread in the district, in order to still further excite the Moplahs, to the effect that the sanctity of another mosque, the celebrated Mambram mosque, which is outside Tirurangadi on the other side of the river, and which is regarded as extremely sacred, was outraged and even razed to the ground. This mosque was not even approached.

At noon news was brought to the District Magistrate that an armed body of Moplahs, 3,000 strong, was approaching Tirurangadi from the west. The bulk of the force with the District Magistrate went out to meet that crowd and disperse it. There was hand to hand fighting and clash of heavy sticks against bayonets, and then firing, and there were nine casualties and 20 arrests. Meanwhile the detachment which had been left behind was attacked and driven in by large armed bodies of Moplahs, which had arrived from the east, together with the local crowd. The police and the military took up their position in the Sub-Magistrate's office and drove off their assailants, but Mr. Johnstone, an officer of the Leinsters, and Mr. Rowley, the Assistant Superintendent of Police, were killed. A report from a Hindu source, since confirmed, has arrived, to the effect that they accepted an invitation from the crowd of Moplahs to leave the force in order to confer, and were then treacherously set upon and murdered. The bodies of Mr. Rowley and Mr. Johnstone and of the head constable were subsequently found lying by the road, terribly mutilated and hacked. This affair was the signal for rebellion throughout the two taluks. Everywhere roads were blocked by the felling of trees, telegraphic lines were cut, and the railway was destroyed in a number of places. The District Magistrate had returned to Calicut in order to prevent the spread of the rebellion northwards, and the machinery of Government was temporarily reduced to a number of isolated offices and police stations, each of which was attacked by the rebels in detail. There were 34 men of the Leinster Regiment and 20 special police at Malappuram, but these were not strong enough to defend Government offices outside the town. Railway stations, post offices and police stations were attacked, the mobs destroying currency notes, records and stamps.

As soon as the Government was paralysed in the affected area the Moplahs declared that Swaraj was established, Ali Musaliar was proclaimed Rajá, Khilafat flags were flown, and Ernad and Walluvanad declared Khilafat kingdoms. Then the rebels turned their attention to the planters and the Hindus. The nature of their action may be summarised by saying that any European planter who could not escape was murdered, but as a rule Hindus were not murdered. Almost every Hindu house where loot could be obtained was attacked and plundered; and in a number of cases both men and women were forcibly converted into Muhammadanism and the women appropriated as wives by Moplahs. Cases of outrage on women are credibly reported, but naturally, in the circumstances, detailed and authoritative evidence is lacking.

Criticism has been levelled against the Government because they did not accept the offer of Mr. Yakub Hasan, a prominent Khilafat agitator, to go into the disturbed district in order to pacify the Moplahs. It was not supposed that Mr. Yakub Hasan, whose language was still violent, would be a pacifying influence. Moreover, he was unfamiliar with the language of the Moplahs, Malayalam. On the other hand, a number of local men identified with the non-co-operation and Khilafat movements, who desired to go into the disturbed area for the same purpose, were not prevented from doing so, but speedily returned with the report that they could do nothing. An investigation Committee from the Tanjore Congress Conference, consisting of Mr. T. Prakasam and Mr. T. V. Venkatarama Ayyar, also visited Malabar for the purpose of enquiring into the causes of the rebellion. They issued a report which alleged that there had been only three cases of forcible conversion, and repeating a false story of the events at Tirurangadi which originally came from a correspondent of the *Hindu* newspaper, who wrote from Shoranur admitting that his was only a hearsay account, which he was making no attempt to verify. The falsity of the statement about the number of forcible conversions has been admitted by Mr. C. Rajagopalachariyar, Secretary to the Congress Committee.

The later story of the rebellion since is the record of the restoration of telegraphic, postal, road and railway communications, and the gradual re-establishment of order. One notable event was the arrest, on 3rd September, of Ali Musaliar, who had been proclaimed the Raja of Ernad. But in the peculiar conditions of the country, with its rugged mountains and dense forests, combined with the fanatical character of the people, complete restoration of order is likely to be a slow and difficult business.

Meanwhile the sufferings which have been inflicted on the Hindu population are very pitiable. Many prosperous families have had to flee from their homes, leaving everything behind; the first crop of rice, the only important cereal grown, has been looted or destroyed over a large area, and there is little chance of the second crop being sown at all where the rebellion has had its sway. But worst of all, perhaps, is the mental torture produced by the outrages on women and the forcible conversions. For those who have undergone such conversion, it is not merely readmission into the Hindu religion which is required, but also readmission into the castes to which the victims had belonged. And after the unhappy victim has repeated the Moslem creed, the Moplahs regard him as an apostate if he reverts to Hinduism, and they regard it as a religious duty to punish apostacy with death.

An appeal has been issued by the District Magistrate for immediate help to combat the famine following on the wake of rebellion, pending the action which will be taken by Government to safeguard the lives of the distressed inhabitants.

C.—Ordinances and Notifications issued by the Governor-General.

ORDINANCE No. II. OF 1921.

An Ordinance to provide for the proclamation of Martial Law to empower military authorities to make regulations for administering it, and to provide for other matters connected therewith.

Whereas an emergency has arisen which makes it necessary to provide for the proclamation of Martial Law, to empower military authorities to make regulations and issue orders to provide for the public safety and the maintenance and restoration of order, to authorise the trial of certain offences by Special Courts, constituted under this Ordinance, and to provide for other matters connected with the administration of Martial Law;

Now, therefore, the Governor-General, in exercise of the powers conferred by section 72 of the Government of India Act, is pleased to make and promulgate the following Ordinance:—

Short title.

1. This Ordinance may be called the Martial Law Ordinance, 1921.

Proclamation of Martial Law.

2. Martial Law shall be in force and the provisions of this Ordinance shall apply in the area which is specified in the Schedule and in such other areas as the Governor-General in Council may, by notification in the Gazette of India, direct, and in all such areas Martial Law shall be proclaimed by such means and in such manner as the Local Government may direct; and shall remain in force in any such area until withdrawn by the Governor-General in Council by notification in the Gazette of India, whereupon the provisions of this Ordinance shall cease to apply in such area:

Provided that no failure to comply with any directions of the Local Government as to the manner of proclamation in any area shall invalidate anything done in the administration of Martial Law in pursuance of this Ordinance in that area:

Provided further that the validity of any sentences passed, or of anything already done or suffered, or any liability incurred or indemnity granted in accordance with the provisions of this Ordinance shall not be affected by reason only of the fact that this Ordinance has ceased to be in force.

Administration of Martial Law.

3. In any area in which Martial Law is for the time being in force, the Commander-in-Chief in India or an officer not below the rank of Major-General empowered by him in this behalf, shall appoint one or more military officers, not being lower in rank than a Lieutenant-Colonel, to be Military Commanders to administer Martial Law (any such officer being hereinafter referred to in this Ordinance as "the Military Commander"), and the Military Commander shall exercise his powers in respect of such area or such part thereof (hereinafter referred to as an "administration area") as the appointing authority may direct.

Regulations.

4.—(1) Subject to the provisions of this Ordinance, the Military Commander shall have power to make regulations to provide for the public safety and the maintenance and restoration of order and as to the powers and duties of military officers and others in furtherance of that purpose.

(2) Such regulations may provide that any contravention thereof, or of any order issued thereunder or supplementary thereto, shall be punishable with any punishment authorised by any law in force in any part of British India, and any such contravention shall for the purposes of this Ordinance be deemed to be an offence against a regulation or an order, as the case may be.

3. The power to make regulations shall be subject to the following conditions, namely:—

(i) In making any regulation the Military Commander shall interfere with the ordinary avocations of life as little as may be consonant with the exigencies of the measures which he deems to be required to be taken for the purposes of Martial Law;

(ii) Before making any regulation the Military Commander shall, if possible, consult the senior civil officer in direct charge of the administration area in which he exercises power, but shall not be bound to follow his advice; and

(iii) The penalty, if any, for the contravention of a regulation shall be specified therein.

(4) The Military Commander shall cause any regulation made by him to be published in such manner as he thinks best fitted to bring it to the notice of those affected, and shall transmit through the normal channel a copy of every regulation so made to the Commander-in-Chief in India.

Martial Law Orders.

5.—(1) The Military Commander may, by order in writing, empower any Magistrate or any military officer of seven years' service not below the rank of a Captain to make Martial Law Orders in any part of the administration area for the purpose of supplementing the regulations in that area, and the punishment for the contravention of any such Order shall be that specified in the regulations for the contravention of a Martial Law Order:

Provided that no Order shall be made which is inconsistent with the regulations.

(2) Every Magistrate or officer making a Martial Law Order under sub-section (1) shall cause the same to be published in such manner as he thinks best fitted to bring it to the notice of those affected.

(3) A copy of every such Order shall, as soon as may be, be submitted to the Military Commander, who shall have power to add to, modify or rescind any such Order in such way as he thinks fit.

(4) Where a Military Commander has under sub-section (3) added to, modified or rescinded any such Order, he shall forthwith communicate the fact to the Magistrate or officer who made the Order, and such Magistrate or officer shall thereupon cause to be published in the manner hereinbefore mentioned the Order as so added to or modified, or the fact that the Order has been rescinded, as the case may be.

Courts n the Ordi

6.—(1) Summary Courts of criminal jurisdiction may be constituted for the purposes of this Ordinance in any administration area in the manner hereinafter provided.

(2) The Military Commander may, by general or special order in writing, empower any magistrate appointed under the provisions of the Code of Criminal Procedure, 1898, to exercise the powers of a Summary Court.

Limitat jurisdicti Summary Courts.

7. No Summary Court shall try any offence unless such offence was committed—

(*a*) in the administration area in which such Court was constituted, and

(*b*) after such date (whether before or after the date of the proclamation of Martial Law in the area) as the Governor-General in Council may, in respect of such area, by notification in the Gazette of India, direct in this behalf.

Trial of of fences aga regulation Martial La Orders.

8.—(1) Every offence against a regulation or a Martial Law Order which is triable by a Summary Court shall be tried by such Court unless the Military Commander directs that it be tried by the ordinary Criminal Courts.

(2) The ordinary Criminal Courts are hereby empowered to try any offence in respect of which a Military Commander has made a direction under sub-section (1) and any offence against a regulation or Martial Law Order which is not triable by a Summary Court.

(3) Contraventions of any regulation or order made or issued in any area, after the date notified in respect of that area by the Governor-General in Council under clause (*b*) of section 7 and prior to the enforcement of Martial Law by or under this Ordinance in that area, by any officer acting in the exercise of military control for the purpose of providing for the public safety or the maintenance or restoration of order shall be deemed to be offences against a regulation or a Martial Law Order in force in that area under this Ordinance, and shall be triable and punishable as if any sentence authorised by any such aforesaid regulation or order were a sentence authorised by a regulation under this Ordinance.

Trial of offences connected with events necessitating Martial Law.

9.—(1) Subject to the provisions of section 7, offences, other than offences of the kind referred to in section 8, connected with the events which have necessitated the enforcement or continuance of Martial Law, or any class of such offences, may, if the Military Commander by general or special order so directs, be tried by Summary Courts.

(2) If any question arises whether or not an offence is an offence of the nature described in sub-section (1), the decision of the Summary Court shall be conclusive on the point, and such decision shall not be questioned in any Court.

(3) The Military Commander or any authority empowered by him in this behalf may, by a general or special order, gave directions as to the distribution among the Summary Courts of cases to be tried by them under section 8 or this section.

Trial of other offences.

10. Save as otherwise provided in this Ordinance, all offences shall be dealt with by the ordinary Criminal Courts exercising jurisdiction in the administration area in the ordinary course of law.

Jurisdiction of ordinary Civil Courts.

11. The ordinary Civil Courts shall continue to exercise civil jurisdiction in the areas in which Martial Law is in force by or under this Ordinance, provided that no Civil Court shall exercise any jurisdiction by way of interference with any regulation or Martial Law Order made under this Ordinance.

Procedure of Summary Courts.

12. In the trial of any case a Summary Court shall, as far as possible, follow the procedure laid down in the Code of Criminal Procedure, 1898, for the trial of warrant cases, and shall have all the powers conferred by the said Code on a Magistrate in regard to the issue of processes to compel appearance and to compel the production of documents and other movable property:

Provided that the Court shall not be required to record more than a memorandum of the evidence or to frame a formal charge:

Provided further that, in the trial of any offence punishable with imprisonment for a term not exceeding one year, the Court may follow the procedure for the summary trial of cases in which an appeal lies laid down in Chapter XXII. of the said Code.

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13. Summary Courts may pass any sentence authorised by law or by regulations under this Ordinance, provided that such Courts shall not pass a sentence of imprisonment for a term exceeding two years, or of fine exceeding one thousand rupees.

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14.—(1) No person shall be tried by a Summary Court for an offence which is punishable with imprisonment for a term exceeding five years.

(2) If a Summary Court is of opinion that the offence disclosed is one which it is not empowered to try, it shall send it for trial to an ordinary Criminal Court having jurisdiction.

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(3) If a Summary Court is of opinion that an offence which it is empowered to try should be tried by an ordinary Criminal Court, or that it requires a punishment in excess of that which it is empowered to inflict, it shall stay proceedings and report the case for the orders of the Military Commander, who may direct that the case shall be tried by a Summary Court, or may send it to an ordinary Criminal Court having jurisdiction.

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15. Every person accused of an offence before a Summary Court shall be entitled to be defended by a legal practitioner:

Provided that the Court shall not be required to grant an adjournment for the purpose of securing the attendance of a legal practitioner if, in the opinion of the Court, such adjournment would cause unreasonable delay in the disposal of the case.

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16.—(1) Notwithstanding the provisions of the Code of Criminal Procedure, 1898, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence of a Summary Court, and no Court shall have authority to revise such order or sentence, or to transfer any case from a Summary Court, or to make any order under section 491 of the Code of Criminal Procedure, 1898, or have any jurisdiction of any kind in respect of any proceedings of a Summary Court.

(2) The power of the Governor-General in Council or the Local Government to make orders under section 401 or section 402 of the Code of Criminal Procedure, 1898, shall apply in respect of persons sentenced by Summary Courts.

Limitation of power of Summary Court to whip.

17. Notwithstanding anything contained in sub-section (2) of section 4, no Summary Court shall pass a sentence of whipping for any offence against a regulation or Martial Law Order except where the offender has in the commission of the offence used criminal force within the meaning of the Indian Penal Code.

Execution of sentences of whipping.

18. In the execution of any sentence of whipping passed by a Summary Court, the provisions of sub-section (2) of section 392 and the provisions of sections 393 and 394 of the Code of Criminal Procedure, 1898, shall apply, and every such sentence

shall, as far as possible, be carried out in a place to which the public shall not be admitted.

Offence defined.

19. Unless there is anything repugnant in the subject or context, the word "offence" shall be deemed, for the purposes of this Ordinance and of sections 401 and 402 of the Code of Criminal Procedure, 1898, to include an act which is, or which under the provisions of this Ordinance is deemed to be, an offence against a regulation or a Martial Law Order.

Saving.

20. Nothing in this Ordinance shall be construed as in derogation of any powers for the maintenance of law and order exercisable by the Governor-General in Council or any other authority.

Validation o Martial Law sentences prior to proclamation.

21. Any sentence passed in any area, after the date notified in respect of that area by the Governor-General in Council under clause (*b*) of section 7 and prior to the enforcement of martial law by or under this Ordinance in that area, in respect of any contravention of a regulation or order made or issued within the same period by any officer acting in the exercise of military control for the purpose of providing for the public safety or the maintenance or restoration of order shall be deemed to be as valid as if it were a sentence passed under this Ordinance in respect of an offence against a regulation or a Martial Law Order in force in that area under this Ordinance.

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22. No sentence, finding or order passed by a Summary Court shall be invalid by reason only of any error, omission or irregularity in any proceedings before or during the trial, unless such error, omission or irregularity has in fact occasioned a failure of justice.

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23. No suit, prosecution or other legal proceeding whatsoever shall lie against any person for, or on account of, or in respect of, any act, matter or thing ordered or done, or purporting to have been ordered or done—

(*a*) under this Ordinance, or

(*b*) in the exercise of military control in any area for the purpose of providing for the public safety or the maintenance or restoration of order, after the date notified in respect of that area by the Governor-General in Council under clause (*b*) of section 7 and prior to the enforcement of martial law by or under this Ordinance in that area:

Provided that such person has acted in good faith and in a reasonable belief that his action was necessary for the said purposes:

Provided further that nothing in this section shall prevent the institution of proceedings by or on behalf of the Government against any person in respect of any matter whatsoever.

THE SCHEDULE. (*See section* 2.)

The area comprised within the following taluks in the Malabar district of the Madras Presidency, namely, Walavanad, Ponnani, Ernad and Calicut.

READING,
Viceroy and Governor-General.

26th August 1921.

ORDINANCE No. III. OF 1921.

An Ordinance to supplement the Provisions of the Martial Law Ordinance, 1921.

Whereas an emergency has arisen which makes it necessary to supplement the provisions of the Martial Law Ordinance, 1921;

Now, therefore, the Governor-General, in exercise of the powers conferred by section 72 of the Government of India Act, is pleased to make and promulgate the following Ordinance:—

Short title an extent.

1.—(1) This Ordinance may be called the Martial Law (Supplementary) Ordinance, 1921.

(2) It shall have the same extent as the Martial Law Ordinance, 1921, and shall apply also in any area in which the said Ordinance applies by virtue of a notification under section 2 thereof.

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2. Notwithstanding anything contained in the Martial Law Ordinance, 1921 (hereinafter referred to as the principal Ordinance), Special Tribunals may be constituted for the purposes of that Ordinance in any administration area or areas in the manner hereinafter provided.

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3. A Special Tribunal shall consist of three persons who shall be appointed by the Local Government. The President of the Tribunal shall be a person who has acted or is acting as a Judge of a High Court, established under the Indian High Courts Act, 1861, or the Government of India Act, and the other two members shall be persons who have acted for a period of at least two years in the exercise of the powers of a Sessions Judge under the Code of Criminal Procedure, 1898.

Application of provisions of principal Ordinance.

4. The provisions of sections 7, 15, 17, 18, 22 and 23 of the principal Ordinance shall apply to Special Tribunals in the same manner and to the same extent as they apply to Summary Courts and, for the purposes of this Ordinance, the word "offence" shall have the meaning ascribed to it by section 19 of the principal Ordinance:

Provided that a Special Tribunal constituted in more administration areas than one shall, subject to the provisions of this and the principal Ordinance, have jurisdiction in all such areas.

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5.—(1) Subject to the provisions of section 4, a Special Tribunal shall, notwithstanding anything contained in the principal Ordinance, try such offences connected with the events which have necessitated the enforcement or continuance of Martial Law, as the Local Government may, by general or special order in writing, direct.

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(2) If any question arises whether or not an offence is an offence of the nature described in sub-section (1), the decision of the Special Tribunal shall be conclusive on the point, and such decision shall not be questioned in any Court.

(3) Special Tribunals may pass any sentence authorised by law or by regulations under the said Ordinance.

(4) When an accused person is sentenced to death by a Special Tribunal, the President shall inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

6.—(1) A Special Tribunal may take cognisance of offences without the accused being committed to it for trial and, in trying accused persons, shall follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trying of warrant-cases by Magistrates:

Provided that the Special Tribunal shall make a memorandum only of the substance of the evidence of each witness examined, and shall not be bound to adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interests of justice.

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(2) Nothing in the proviso to sub-section (1) shall be deemed to affect the provisions of section 15 of the principal Ordinance as applied to the proceedings of Special Tribunals by this Ordinance.

(3) A Special Tribunal shall have all the powers conferred by the Code of Criminal Procedure, 1898, on a Court of Session exercising original jurisdiction.

(4) In the event of any difference of opinion among the members of a Special Tribunal, the opinion of the majority shall prevail.

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7.—(1) Notwithstanding the provisions of the Code of Criminal Procedure, 1898, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall, save as hereinafter provided, be no appeal from any order or sentence of a Special Tribunal, and no Court shall have authority to revise such order or sentence, or to transfer any case from a Special Tribunal, or to make any order under section 491 of the said Code, or have any jurisdiction of any kind in respect of any proceedings of a Special Tribunal, and no order of confirmation shall be necessary in the case of any such sentence.

(2) An appeal shall lie to the High Court in the case of any sentence, passed by a Special Tribunal, of death or of transportation for life or of imprisonment for a term of 10 years or more, and the provisions of the Indian Limitation Act, 1908, shall apply as though the appeal were an appeal to a High Court under the Code of Criminal Procedure, 1898, from a sentence passed by a Court of Session.

(3) The power of the Governor-General in Council or the Local Government to make orders under section 401 or section 402 of the said Code shall apply in respect of persons sentenced by Special Tribunals.

8. The Local Government may, by notification in the local official Gazette, make rules providing for— Rules.

(i) the times and places at which Special Tribunals may sit; and

(ii) the procedure of Special Tribunals, including the powers of the President, and the procedure to be adopted in the event of the President or any member being prevented from attending throughout the trial of any accused person.

9. The provisions of this Ordinance shall be construed with, and read as part of, the Martial Law Ordinance, 1921, and this Ordinance and the principal Ordinance may be cited together as the Martial Law Ordinances, 1921. Citation of Ordinance.

READING,
Viceroy and Governor-General.

Simla,
5th September 1921.

ORDINANCE No. IV. OF 1921.

An Ordinance to provide for the Constitution of Military Courts.

1. This Ordinance may be called the Martial Law Military Courts Ordinance, 1921. Short title and extent

(1) It shall have the same extent as the Martial Law Ordinance, 1921 (No. 2 of 1921), and shall apply also in any area in which the said Ordinance applies by virtue of a notification under section 2 thereof.

2. In this Ordinance— Definitions.

(*a*) The expression "enemy" means any mutineers, rebels, or rioters against whom operations are being carried out by His Majesty's Forces or the Police, for the purpose of restoring or maintaining order in any area in which martial law is in force by or under the provisions of the Martial Law Ordinance, 1921.

(*b*) All words and expressions used in this Ordinance defined in the Martial Law Ordinance, 1921, shall be deemed to have the meanings respectively attributed to them by that Ordinance.

3. No person shall— Offences.

(*a*) Communicate to the enemy; or

(*b*) With the intention of communicating it to the enemy, (? omission) to collect, to publish or to attempt to elicit any information with respect to the movement of, numbers, description of, condition of, or disposition of, any of His Majesty's Forces or any Police Force engaged in administering martial law, or in restoring or maintaining order, or with respect to the plans or conduct, or supposed plans or conduct, of any military operations by any such forces, or with respect to any works; or measures undertaken for, or connected with, or intended for the defence of, any place.

(2) No person shall commit any act which is calculated to mislead or hamper the movements of, to imperil the success of any operations of His Majesty's Forces, or any Police Force engaged in administering martial law, or in restoring or maintaining order.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be deemed to have committed an offence under section 121 of the Indian Penal Code.

(4) Any person who voluntarily assists or relieves with money, victuals, or ammunition, or knowingly harbours, protects, or conceals any enemy, shall be punishable with rigorous imprisonment, which may extend to 10 years, with fine, or with both.

4.—(1) Notwithstanding anything contained in the Martial Law Ordinances, 1921, or in any other law for the time being in force, the Military Commander may, where in his opinion the exigencies of the situation require the adoption of this course, for the purpose of restoring or maintaining order, by order in writing direct that— Military Courts.

(*a*) Any offence against section 121 or section 122 of the Indian Penal Code;

(*b*) Any offence against section 302 of the said Code, where in the opinion of the Military Commander such offence was connected with the events which have necessitated the enforcement or continuance of martial law;

(c) Any offence under this Ordinance ;

(d) Any offence specified in this behalf by the Local Governments with the previous sanction of the Governor-General of India in Council by notification in the Local Official Gazettee ; or

(e) Any attempt to commit or the abetment of any offence herein-before mentioned, committed after the commencement of this Ordinance, or committed in any area under clause (b) of section 7 of the Martial Law Ordinance, 1921, by any person captured or arrested after commencement of this Ordinance, shall be tried by a Military Court to be convened by him.

(2) Subject to the provisions of this Ordinance and of the Martial Law Ordinances, 1921, a Military Court for the purpose of such trial shall be constituted in the same manner, and shall exercise the same powers and follow the same procedure as a Summary General Court Martial convened under the Indian Army Act, 1911, for the trial of a person subject to that Act, who had on active service committed an offence under that Act, and the provisions of that Act and of the rules made thereunder shall apply to and cover all such proceedings, provided that any person exercising the powers of a magistrate of the first class or of Sessions Judge, may be appointed member of a Military Court under this Ordinance, provided further that a memorandum of the evidence at the trial and the statement, if any, made by accused shall always be recorded.

(3) The finding and sentence of a Military Court under this Ordinance shall require to be confirmed by the convening officer, provided that every sentence of death shall be reserved for confirmation by the General Officer Commanding district.

(4) The Military Commander may by general or special order in writing delegate his powers under this section to any officer not below the rank of field officer.

(5) Subject to the provisions of this Ordinance, the provisions of section 15, section 16, section 18, section 22, and section 23 of the Martial Law Ordinance, 1921, shall apply to proceedings of Military Courts under this Ordinance as they apply to proceedings of Summary Courts under that Ordinance.

15th October 1921.

Notification No. 495 *of* 27*th August* 1921.

In pursuance of section 2 of the Martial Law Ordinance, 1921 (II. of 1921), the Governor-General in Council is pleased to direct that martial law shall be in force, and the provisions of the said Ordinance shall apply in the area comprised within the following taluks in the Malabar District of the Madras Presidency, namely, (i) Wynaad ; (ii) Kurumbranad.

Notification No. 528 *of* 30*th August* 1921.

In pursuance of clause (b) of section 7 of the Martial Law Ordinance, 1921, the Governor-General in Council is pleased to direct that the 24th August 1921, shall be the date referred to in that clause in respect of any administration area comprised within the areas specified in the Home Department Notification No. 495, dated the 27th August 1921.

Notification No. 688 *of* 16*th September* 1921.

In pursuance of clause (b) of section 7 of the Martial Law Ordinance, 1921, read with section 4 of the Martial Law (Supplementary) Ordinance, 1921, the Governor-General in Council is pleased to direct that, for the purpose of trials by Special Tribunals constituted under the last-named Ordinance, the date referred to in the said clause—

(a) in respect of any administration area comprised within the areas specified in the Schedule to the first-named Ordinance, shall be the 19th August 1921 ; and

(b) in respect of any administration area comprised within the areas specified in the Notification of the Government of India in the Home Department, No. 495, dated the 27th August 1921, shall be the 24th August 1921.

No. 4.

D.—Letter from Government of Madras to Government of India, dated 3rd September 1921.

(EXTRACT.)

The serious situation in Malabar came to a head on 20th August. News of the outbreak first reached the Government on Sunday, 21st, and I enclose herewith copies of the Press communiqués[1] which have issued daily since then and which will place you in possession of practically all the information we have received. The following is a very brief *résumé* of events from the 20th onwards:—The concentration at Tirurangadi on the 20th was successful as a surprise but was disappointing in the results achieved. The ringleader, Ali Mussaliar, was not arrested, and the police and military were attacked by large bodies of Mapillas from the south-west and east. The attack was the signal for a general rising in the taluks of Ernad, Walluvanad and North Ponnani, which at first was directed towards the destruction of all means of communication and to attack on Government offices and Government servants. The detachment at Tirurangadi withdrew with difficulty to Calicut, which they reached on the night of Sunday, 21st. Reinforcements were hurried to the spot with great promptness from Bangalore, and the next few days were spent in restoring communication and repairing the railway line which had been interrupted between Feroke on the Calicut side and Shoranur on the other. The headquarters of the relieving troops moved from Podanur to Shoranur on 25th and from Shoranur to Tirur on 28th. Colonel Humphreys, who is in command of the troops in Malabar, reached Calicut on 27th having done about three miles on foot accompanied by Mr. F. B. Evans, I.C.S., who has been placed on special duty as civil officer with the troops, and through railway communication was restored on 28th. Meanwhile on the 25th, H.M.S. *Comus* arrived off Calicut, and on the same day a relieving column left Calicut for Malapuram, where the Joint Magistrate and a detachment of the Leinsters and some police had been isolated since the commencement of the outbreak. On the way they met with determined resistance at Pookotur on the morning of the 26th, and a regular battle ensued in which the rebels lost heavily. Malapuram was relieved, and the same day the forces there were joined by a column which had left the railway at Kuttipuram on 25th. A converging movement was then made from Malapuram on the east, from Tirur on the south, and from Calicut on the north upon Tirurangadi. Ali Mussaliar and a number of rebels (under 100) were surrounded in the mosque there on the 30th, and the next day they emerged from the mosque, attacked the troops, and were all either killed or taken prisoners. Ali Mussaliar is among the latter. Though the taluks of Ernad, Walluvanad and Ponnani are undoubtedly the centre of the disturbance, the trouble spread inland north of Calicut on the 22nd, and roving gangs of marauding rebels were reported moving about in the Kurumbranad and Wynaad taluks shortly afterwards. A good many planters live in these taluks, and it was at one time feared that the Mapillas employed on these estates would rise and carry the rebellion into the Nilgiri-Wynaad. A detachment of Leinsters has, therefore, been stationed at Gudalur, and so far no further developments have been reported in that direction. Anything like complete information from the interior of the affected area is, in the nature of things, impossible at present, but is clear that a state of anarchy prevails, and the Mapillas have indulged in wholesale looting and excesses of all kinds, including forcible conversion to Muhammadanism, of which Hindus are the sufferers. Owing to the difficult nature of the country, which is undulating and densely wooded except for the rice fields in the valleys, further operations in rounding up the rebels are likely to be a difficult and lengthy task, unless they decide to stand together and attack in true fanatical style as they did at Pookotur and at Tirurangadi. After conferences between the civil, naval and military authorities at Calicut on 28th and 31st, H.M.S. *Comus* left Calicut on 31st, but in the meanwhile S.S. *Nawab* had arrived on the 28th with ample supplies, and the situation in Calicut itself is quiet. There can be no doubt that the rising was regarded by the Mapillas themselves as the beginning of swaraj, and in spite of the efforts of the Extremist Press, headed by the Hindu, to attribute it to other causes, it may be hoped that the true significance of the rebellion will be realised, and that the occurrences in Malabar will prove a salutary warning to the rest of the Presidency as to the consequences of the non-co-operation and Khilafat propaganda.

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[1] Not printed.

E,—Speech by the Hon. Home Member, on 5th September 1921.

THE HON. SIR WILLIAM VINCENT: Sir, I wish I could have heard what the Hon. Member opposite has to say on the subject before rising to reply to the motion. But unfortunately I have to attend in another place at 4 o'clock this afternoon to answer a similar motion there, and I hope the Council will, therefore, excuse me for speaking now; I hope also that the Hon. Member opposite will accept my apology for not waiting to hear him before I rose.

The Hon. the Mover of this Motion for Adjournment with his usual courtesy gave me previous notice of the points to which he was going to draw attention, and this has facilitated my task to a great extent in answering the motion before the House.

It would perhaps interest Hon. Members if I were to preface my remarks with a brief reference as to the origin and cause of this rising in Malabar. The fact is that these Moplahs are an ignorant people, many of them poor and nearly all of them fanatical and entirely under the influence—as I learn from the information before me—of a bigoted priesthood. As I think all Hon. Members know they are descendants of Arab traders and soldiers who first came to the Malabar coast sometime, I think, about 800 A.D., and we are told that they later established themselves by intermarriage and conversion, or perversion, whichever term appeals to different Hon. Members of this Council, of the local residents to Muhammadanism. There have been many outbreaks of these people who now number about a million in the past, indeed during a period of about 20 years—between 1836 and 1853 there were 22 outbreaks, but the biggest one about which I have any information occurred in 1885 after which 20,000 arms including 9,000 guns were collected from the insurgents.

The present rising in itself appears to be purely religious, though, no doubt, it has been accentuated by economic distress. In the past agrarian trouble has frequently been at the bottom of risings, but I have no information before me which leads me to think that Hindu landlords are responsible for the present outbreak. It is, however, known that certain Extremist Muhammadan agitators—I do not wish to use any word that will cause resentment, because many gentlemen feel very strongly about the Khilafat who are not really extremists in the sense I mean—have been at work for two years in this locality working up the people over the Khilafat. There is on the information before us no sympathy for the non-co-operation movement as such, and indeed there is little regard for Mr. Gandhi's personality. There is certainly no sympathy for a movement of purely non-violent, non-co-operation as the results show. At the beginning of this year, Hon. Members will remember certain inflammatory speeches were delivered at Erode, Mangalore and in Madras, and there is no doubt according to the reports we have had that those speeches had considerable effect on this fanatical population of Malabar which is singularly prone to violence; the situation in April and May was in consequence somewhat dangerous. It subsequently, as we thought, or as the Local Government thought, improved, and we were told that the Ramzan had been the quietest known for years in the Malabar District. In June there were reports that volunteer associations were being formed, but later again we were told that these associations had ceased as the leaders had realised the danger of continuing them. That information, I am afraid, was incorrect, and these associations were being secretly organised all the time. The Government and local authorities were apparently misled in this matter, but there was nothing to show this till the end of July when the situation suddenly deteriorated largely as the result, as has been reported to us, of the Karachi Conference. Now I should like to cite here a passage from the Madras letter on this point. I have the leave of the Madras Government to cite it. This is what it says:—

> "It is difficult to arrive at an exact appreciation of the situation at present, but there seems to be no doubt that continual provocative speeches on the Khilafat question, combined with the resolutions of the recent All-India Khilafat Conference at Karachi, have produced an impression on the mind of the Mappilla that the end of the British Raj is at hand. It is certainly true that, as the result of Khilafat propaganda, the Mappillas are better organised than they used to be and also better informed as to the strength of their own position and the difficulty of taking military action against them."

The first actual signs of lawlessness occurred on the 31st July when some police officers went to arrest a man who was accused in a criminal case. I think there had been a case of housebreaking in the residence of a Nambudri Brahmin. Armed Moplahs collected in large numbers to prevent the arrest, and there was grave danger of a serious riot. That was happily averted, and the police apparently, though this is not clear from the reports before me, went home without arresting anyone. In any case the police were powerless to face the mob, and the incident was significant because it was regarded by the Moplahs as a victory and a defeat for the Government. The District Magistrate then applied for extra troops to be sent to Calicut, and they were sent. Finally, on the 20th, the District Magistrate determined to arrest certain persons who were in the possession of arms, under the Moplah Outrages Act, at Tirurangadu, with the aid of a military force. Three men were arrested without any trouble, and a party of police were left behind to search for others. In the course of this search a mosque was entered by the Moplah police officers, who, however, removed their shoes before entering. I may say that in times past rebellious Moplahs have frequently taken refuge in mosques. While these occurrences were taking place, news had quickly spread round as to what was happening and a large mob of Moplahs collected, some coming by train and some on foot. This mob first attacked the party of police and later on in the day attacked the military forces to which I have referred. The attack was beaten off, but I regret to say with the loss of two British Officers, one being Lieutenant Johnstone of the Leinster Regiment and the other a police officer named Rowley. By this time railway communications had been cut and the telegraph wires destroyed, and the troops had to remain where they were. Subsequently the outbreak of violence in this single area of Tirurangadu developed into a general rising throughout a large part of the Malabar District of a definitely anti-Government character: *Swaraj* was proclaimed and a green flag hoisted.

I have here rather an interesting account of the reasons of this outbreak from an officer who has had considerable experience in this locality. He has given me leave to use it. This is an extract of a letter received by him:—

> "The Moplah believes that the Sirkar is nearing its end, and the day is looming when he will not have to pay either taxes to the Government or rent to the Hindu landholders. Economic distress is another factor not to be left out of account" Then he goes on to speak of the failure of the monsoon.

This is not an official account. Here is another extract:

> "At first all the violence shown was anti-official and anti-European, but now the mobs of 5,000 and 10,000 are seen to be disintegrating into small gangs who having no telegraph lines to cut or culverts to destroy are devoting their scheme to harrying the Hindus, especially the high caste Hindus—Nambudris and Nayars whom they loot of their grain and riches and occasionally murder."

I think I have now told the Council all I can in the time available as to how this rising originated.

As to the casualties our information is that up to the present one British officer and three British of other ranks have been killed, one British officer and a number of other ranks have been wounded; two Assistant Superintendents of Police, one Inspector and two head constables have been killed, a planter has been murdered, and others have narrowly escaped. We cannot be sure now that this death roll is complete. Many Hindus have been murdered. Numbers are missing, but we hope that some of them may escape and turn up later on. Some have been forcibly converted, as I understand, under threat of death. I daresay Hon. Members have read the account of the maltreatment by the Moplahs of an old lady of over 84 at Calicut, the mother of a Mr. Menon, who is a member of the local municipality. They have also probably heard of the murder of a retired Indian Inspector of Police whose head was cut off and carried about on the top of a spear. There has also been very great damage to property of all kinds. Temples, I regret to say, have been desecrated and numerous acts of arson and pillage committed. As regards Moplah casualties, I can give no figures except that I am informed that in an engagement 400 men were killed. The Press reports indicate about 1,000 deaths, but this is purely a matter of surmise, though I expect it is by no means an excessive estimate. We know that at Pudokottur these Moplahs, who are exceedingly courageous and fearless of death, fought desperately for many hours. In fact their attacks on the troops were only repelled after five hours of heavy fighting. They were armed with carbines looted from the police, sporting rifles taken from various places, and with swords and knives. This is all the information I can give on the second portion of the Hon. Member's motion.

I have explained that it is doubtful how far this movement or rising can be ascribed clearly to non-co-operation—non-violent non-co-operation—*i.e.*, Mr. Gandhi's movement, but it certainly seems on the information before us to be connected very definitely with the Khilafat. The policy of Government towards the non-co-operation movement has been very fully explained to this Council on previous occasions, but the Hon. Member now attacks me and says: "Why did not Government do more? Why did you not take more vigorous action and prosecute these people and arrest them." Now what I want to put to Hon. Members is that this Council cannot have it both ways. Last session, when I stood up in this Council, and stood up in the

Legislative Assembly, was there a single man here—except perhaps one or two—who asked Government to take any more strenuous measures than they were taking? I do not remember the Hon. Sir M. Dadabhoy standing up then and saying: "You "must take more drastic action; you must strengthen your military force, prosecute "here and prosecute there," and I think it is rather hard on us that we should be challenged therefore in this Council on that account. On the merits I would put it in this way. The question when to undertake and when to forbear from general repressive measures against a movement of this character is always one of difficulty for any Government to decide, and very much more difficult in present political circumstances in India. I think every one will admit that. The Government have been very much exercised over this situation, but we had no reason to believe that it was going to develop in such a speedy manner in this area.

There is also another aspect of this question. You cannot say, because there has been a rising in Malabar among a notoriously turbulent people, that the Government of India should embark upon a general campaign of repression throughout India. . . .

THE HON. SIR MANECKJI DADABHOY: May I say a word of personal explanation, sir? I never said "campaign of repression" at all. I said: "What precautionary measures were adopted by Government in anticipating these disturbances and suppressing them."

THE HON. SIR WILLIAM VINCENT: Then I gather that the Hon. Member does not attack us on that ground, and I will at once leave the point. I have explained the precautionary measures taken immediately before the rising. There are, however, two facts which I omitted to mention. The first is that there were in July certain very violent speeches made in Malabar, and the Government of Madras were considering the question of prosecuting the speakers when these outrages occurred. The second is one to which I ought in justice to the Madras Government to refer. In May the Local Government were about to prosecute Mahomed Ali for speeches delivered down in Madras and Erode. Council are aware that after that there were meetings between His Excellency the Viceroy and Mr. Gandhi, and rightly or wrongly the Government of India thought that it was only fair to give this gentleman Mahomed Ali a *locus poenitentiœ* after his apology in the hope that he would abstain from preaching violence in future.

As to precautionary measures, troops were sent down to Calicut immediately the demand was made by the local authorities. That, I think, was between the 11th and the 14th. The numbers were not large. But unless the Members of the Legislative Assembly are prepared to vote considerably larger sums of money than they do at present for internal defence and other military expenditure, we must take certain risks of being able to check disturbances of this kind with small forces.

As to the situation at present, I can only say that all possible measures to suppress the rising have been taken, but the situation is far from satisfactory. An appreciation of the present situation from Madras runs as follows:—

> "Your telegram, Political, dated 28th August 1921. Appreciation general situation. Malabar Railway to Calicut has been temporarily restored for running by day and is being held by troops. Garrison Malapuram having been brought back to Calicut, the whole interior of South Malabar except Palghat Taluk is in the hands of the rebels. Probable that the troops will again have to meet and overcome determined resistance by the rebels in force. Subsequent operations will take the form of locating and dealing with numerous small and mobile parties of Moplahs in extremely difficult country. Active assistance by local inhabitants cannot be counted on. Situation from point of view of civil administration is that local machinery of Government has broken down. Throughout the affected area Government offices have been wrecked and looted and records destroyed. Communications have been obstructed. Those officials who have not escaped are, so far as known, either captives or in hiding. All Government officers and Courts have ceased to function and ordinary business is at a standstill. Famine conditions imminent in portions of affected area. Europeans and numerous Hindu refugees of all classes now concentrated at Calicut."

I do not propose to tell the Council, and I think they will not expect me to tell them, the exact military force available, because any information that is published will undoubtedly get to the Moplahs themselves and indeed to others who perhaps are hostile to Government. I may say, however, that the Madras Government asked for further reinforcements recently, but the last I have heard is that they are satisfied with the number of troops they have now in Malabar. The situation is now in hand. We shall, however, probably hear of at least one more serious attack by these Moplahs, and then I hope that the thing may dwindle down to more or less desultory disorders. As an indication of the prevalence of crime, I may say that in one police station there are said to have been reported 45 dacoities. I do not think, after what His Excellency said the other day and the facts that I have given to this Council in the short time available, that it can be suggested that in the circumstances martial law was not necessary. I may say, however, that we have issued a manual of Martial Law Instructions, which will, I think, ensure that all possible care is taken to avoid the use of unnecessary force, anything that is humiliating to Indians, or any racial distinctions which are unfair and unreasonable. If I had time I should have liked to read to the Council many extracts of these Instructions. Among them these citations may, however, interest the Council :—

> "Everything which is likely to cause bitterness or permanent hostility should, as far as possible, be avoided. Even if the population, or a part of it, is in rebellion, it must be remembered that the inhabitants are our fellow-subjects, whose loyalty and affection it is desirable to recover and retain.
>
> "There should be no greater interference with liberty or property than the situation renders necessary . . . . The suspension of the ordinary law does not mean that justice ceases to be administered. On the contrary, the suspension makes it doubly imperative that all concerned should see that justice and not irresponsible violence is done . . . . There should be no punishment without a trial . . . , Offenders should be brought to trial with the least possible delay. If sufficient evidence is not forthcoming within a reasonable time, they should be released . . . . The punishment of whipping should not ordinarily be awarded except for an offence of violence or an offence for which whipping may be awarded under the ordinary law. Interference with liberty and property and public convenience . . . . must be limited to what is necessary . . . . Orders likely to humiliate individuals or classes, or likely to offend religious sentiment, should be avoided."

And so on.

No one can, however, altogether avoid action which may affect religious sentiments if a number of armed Moplahs collect in mosques in furtherance of their criminal purpose.

I think I have now given the Council all the information I have, but I should like to convey to the people in Malabar some expression of sympathy, some expression of regret from the Government of India and from this Council for the lives lost, temples desecrated, injuries caused, and property destroyed, and I am sure I am voicing the sentiments of everybody in this Council in this matter. I should like also to convey to the Naval, Military and Auxiliary Forces, and indeed to all servants of the Crown in Malabar, our gratitude for their services. I should like also, if I may, to express our sympathy with the Madras Government and to convey to them an expression of our recognition of the manner in which all concerned have performed duties, both arduous and distasteful.

F.—Questions and Answers in the Council of State, Simla, on the 15th and 17th September 1921.

15th September 1921.

Moplah Riots and Casualties.

THE HON. SIR ZULFIQAR ALI KHAN : Will the Government be pleased to state—

(*a*) The circumstances which led to excitement among the Moplahs ?

(*b*) The number of casualties among Moplahs on account of shooting by Government troops ?

(*c*) The number of officials murdered by Moplahs ?

(*d*) The amount of damage done to property by the mob ?

THE HON. MR. H. D. CRAIK: (*a*) The Hon. Member is referred to the speech made by the Hon. Sir William Vincent in this Council on the 5th September 1921, which dealt with the whole subject.

(*b*) It has not been found possible to arrive at any definite estimate of the number of casualties among the Moplahs; but rough estimates have appeared in the Press.

(*c*) So far as is known, the answer is 12 killed and 10 wounded. The number killed includes one person not in the employment of Government; while the number of police officials wounded has not yet been reported. In addition to these casualties, unverified reports indicate that a number of Hindus of the civil population have been murdered.

(*d*) In existing circumstances, it is impossible to collect even approximate particulars of the damage to property in the disturbed area. A statement is laid on the table giving such information as is available.

STATEMENT:

1. Railway stations at Kadalandi and Parapangadi attacked and looted. Line for former cut in three places.

2. Post Offices at Parapangadi and Tanur looted.

3. Railway damaged at several places west of Shoranur

4. Road and telegrhapic communications reported interrupted by Sub-divisional Magistrates of Malapuram and Palghat.

5. Police Inspector at Waluvanad reports that two police thanas were attacked, the records burnt and the carbines taken.

6. Manjeri treasury gutted and treasury at Waluvanad looted. (The Accountant-General estimates that the former contained 1 lakh and 30 thousand in cash and 4½ lakhs in notes, and the latter, 27 thousand in cash.) The District Magistrate reported that other public offices had been destroyed and Manas and Kovilakones (*i.e.*, houses of Nambudris and Rajas) pillaged.

7. Dacoity and looting was reported to be rife in Waluvanad, Ernad and Ponnani taluks also east of Calicut by the District Magistrate, Calicut. Line cut to Kuttipuram, perhaps beyond; bridges broken from 10th mile from Calicut.

8. Forest Officer's bungalow, Nilambur, and Range Officer's quarters and lines gutted.

9. Plundering of houses and liquor shops reported by Sub-divisional Magistrate, Palaghat.

10. A telegram from Madras dated 30th August reported that the railway to Calicut had been temporarily repaired and that throughout the affected area Government offices had been wrecked and looted and records destroyed. Communications had been obstructed, all ordinary business was at a standstill, and famine conditions were imminent in portions of the affected area.

11. Press reports state (1) that Hindu houses at Tirur were plundered, also the Trikandiyur Temple, near Tirur, and the Tanur fishery station sacked; (2) the Keralla rubber estate was attacked, the bungalows, factory and dispensary burnt, and cash and property looted.

17th September 1921.

Affairs in Malabar.

The **Hon. Maneckji Dadabhoy**: Can Government give the Council any further information about affairs in Malabar?

The **Hon. Mr. H. D. Craik**: Following is the general purport of a telegram received from the Government of Madras on the 14th of September. In the light of information elicited during the visit to Malabar of His Excellency the Governor of Madras, it appears that the position is still serious. The spirit of the rebellion is unbroken, and, except in the immediate vicinity of troops and close to the railway, the life and property of non-Muhammadans are unsafe. Roads and bridges repaired by troops are broken after they have passed. On the 12th September, the office of the Sub-Registrar at Manmaar Ghât was destroyed. The interior of the taluks of Ernad and Walluvanad is still in the hands of rebels, of whom five bodies, estimated to have a strength of 3,000 are known to be in existence. The military are experiencing difficulty in dealing with them owing to their mobility and our difficulties regarding transport and communications. It is impossible to re-establish police stations, and still more so to re-open the ordinary Courts and offices, or even to ascertain the amount of damage done to private and public property. At present all that is possible is to maintain close association between the civil and military authorities, and to provide for the trial of those who have been arrested for serious offences. The Collector of Malabar has started a relief fund, but till normal conditions are restored, its administration will be impracticable. The trials that have taken place are for offences against the ordinary law in normal times, *e.g.*, dacoity, arson, robbery, extortion, damage to railway and telegraph and not merely for any breach of special regulations. It has not been possible to capture many wounded rebel prisoners, but the few taken are being looked after in exactly the same way as our own men. At present it is quite impossible to forecast when the termination of martial law will be practicable.

The **Hon. Saiyid Raza Ali**: May I ask a supplementary question, Sir? Is it a fact that large bodies of Moplahs are actively engaged in helping Government and are placing their assistance at the disposal of Government?

The **Hon. Mr. H. D. Craik**: Not so far as I have heard.

EAST INDIA (RESIGNATION OF SIR J. B. FULLER).

RESIGNATION

OF

SIR J. BAMPFYLDE FULLER, K.C.S.I., C.I.E.,

LIEUT.-GOVERNOR OF EASTERN BENGAL AND ASSAM.

No. 1.

Circular Letter from R. W. Carlyle, Esq., C.I.E., I.C.S., Officiating Chief Secretary to the Government of Bengal, to Magistrates and Collectors. No. 1679-*P.D., dated Darjeeling, the* 10*th October,* 1905.

The use which has recently been made of school boys and students for political purposes is absolutely subversive of discipline, and in the highest degree injurious to the interests of the boys themselves. It is impossible to tolerate this in connection with institutions which Government either assists or countenances.

2. I am therefore to request that, if any attempt is made by boys attending any school or college in your district to take any public action in connection with political questions or in connection with boycotting, picketing, and other abuses associated with the so-called "Swadeshi" movement, you will at once take cognizance of that action. You will inform the heads of schools or colleges concerned that, unless they prevent such action being taken by the boys attending their institution, their grant-in-aid and the privilege of competing for scholarships and of receiving scholarship-holders will be withdrawn, and the University will be asked to disaffiliate their institutions. Of course, if they are loyally desirous to prevent this, but are unable to do so, they will not be punished. In that case, they must immediately report the matter, giving a list of boys who have set at naught their authority. You will then be in a position to see that necessary disciplinary action is taken, or punishment awarded, by the educational authorities.

3. You ought also to inform the heads and teachers of institutions, and those connected with the management, that it may be necessary for you to call on them for assistance in keeping the peace by enrolling them as special constables; and you should not hesitate to enrol them should there be any reasonable apprehension of disturbance, on the part of school boys or students. It is very important in the event of any disturbance to have the services of those whom the boys are bound to respect, and who will be able to recognise and identify the boys who may offend. This should be explained to those in authority in the institution.

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No. 2.

Demi-official Circular from P. C. Lyon, Esq., I.C.S., Chief Secretary to the Government of Eastern Bengal and Assam, to the Commissioners of Rajshahi, Dacca, and Chittagong Divisions and all the district officers of the transferred districts, dated the 16*th October,* 1905.

I am desired by Mr. Fuller to give the following indications of the line that should be adopted in dealing with anti-partition or *swadeshi* agitation. He realizes the true character of these movements, but he is not without sympathy for the feelings of annoyance which have urged them, and he is not disposed to take serious notice of occurrences which are the hasty outcome of irritation. You have been asked to name prominent residents of your district who have been taking a leading part in the agitation. But the Lieutenant-Governor is quite ready, except in one particular, to let bygones be bygones. That particular is in regard to the scandalous vernacular broadsheets which have been in circulation; and no pains should be spared to discover any persons who have been disseminating them. The giving of correct information would be very liberally rewarded. For the rest Mr. Fuller does not wish any novel or trenchant measures of restraint to be adopted, though here again there is an exception in regard to college or school boys. It is, of course, most undesirable that young men who are under tuition should be employed in any political agitation whatever, and especially in an agitation which is really anti-British, by whatever name it may call itself. You have, it is understood, already warned the proprietary, managing, or instructional authorities of colleges and schools that their pupils must cease to act as touts for the boycotting of British goods. If any institution disregards your advice, the case should be reported to me without delay, and when reporting the case you should issue a second formal warning that a disregard of the interests of the Government and of discipline in this matter will entail the formal and public barring of the pupils of the college or school from all service under Government. You should also report, giving the necessary details, any who disregard this second caution.

No. 3.

Letter from P. C. Lyon, Esq., Chief Secretary to the Government of Eastern Bengal and Assam, to the Registrar of the Calcutta University, Senate House, Calcutta. No. 840, *dated* 10*th February,* 1906.

I am directed by the Lieutenant-Governor to address you on the subject of the recent serious misbehaviour of the students and teaching staff of the Banwarilal and Victoria High Schools at Sirajganj in Pabna, and to say that the Lieutenant-Governor regrets that the contumacy which has been displayed by both the masters and the boys of these schools, and their persistent disobedience of the orders issued to them, have forced him to take the extreme measure of recommending to the Syndicate of the University that the recognition at present extended to these two institutions should be withdrawn. The circumstances which have led him to do so are related below.

2. By circular No. 1679-P.D.,* dated the 10th October, 1905, the Government of Bengal insisted upon the necessity of securing that schoolboys were not demoralised by being permitted to take an active part in political agitation or in boycotting and picketing in connection with the *swadeshi* movement. This circular was issued to the districts of Eastern Bengal, and was supplemented by similar instructions issued by this

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* *Vide* No. 1.

Government on the 16th October, 1905.* The Syndicate is aware that these instructions were widely published and were the subject of general discussion. In the early part of November it became known that boycotting and shop-picketing were nevertheless being very extensively practised by schoolboys of Sirajganj, with results which were leading to much ill-feeling and to regrettable disturbances of the public peace. Very numerous cases of illegal interference with trade were reported to the Magistrate, and the students were repeatedly found guilty of disorderly behaviour in the streets of the town. Warnings were issued by the Sub-Divisional Officer, but on the 15th November matters culminated in two serious cases. A party of students employed on picketing raided some carts laden with English cloth and belonging to some Marwari traders, and threw the bales on the road. Later on in the afternoon of the same day Mr. Carberry, Manager of the Bank of Bengal, was molested and assaulted by 40 or 50 boys, when driving from the Bank. Shouts were raised, alarming his horse, bricks were thrown, and a blow was aimed at him with a bamboo, which fell upon his dog-cart. His hat fell to the ground and has not yet been recovered, and he had to drive off as fast as he could to escape further injuries. Enquiries made by the Sub-Divisional Officer and subsequently by the Commissioner of the Rajshahi Division showed beyond a doubt that the boys of the Banwarilal and Victoria Schools were concerned in these gross improprieties. Some names were given up as those of the boys concerned in the affair with the Marwaris. They were comparatively few in number, and had been identified by the complainants, but efforts on the part of the local officers to elicit the names of the boys who were concerned in the attack on Mr. Carberry have been unavailing. It is clear that they belong to both schools, and it is a noticeable fact that, during the three days following the assault (when police enquiries were on foot), in both schools all but a few of the students absented themselves.

3. It seemed desirable to Government that the conduct of the students of these schools should be enquired into by the Inspector of Schools, and I am to forward a copy of Dr. P. Chatterji's report.† His investigations have disclosed that the illegal incidents which have been referred to above were not the result of thoughtlessness or sudden excitement, but were the outcome of a regularly organised scheme set on foot and guided by the masters of these schools, for employing the students in forcing a boycott. It will be observed that Dr. Chatterji doubts whether in the affair with the carts the students actually laid hands on the bales of cloth. But the Magistrate and Commissioner, whose enquiries have been conducted upon a broader basis, hold decidedly that they did so. Whatever view be taken on this point, the fact remains that they illegally interfered with trade in pursuance of a concerted scheme.

4. So far as the Victoria High School is concerned, it should be added that this is not the first time that serious notice has had to be taken of the misbehaviour of the boys attending it by the educational authorities in Bengal. The school was severely punished once before, in the year 1890, in consequence of the complicity of the boys in a riot which ended in the death of a ferryman.

5. Since the submission of Dr. Chatterji's report, the Director of Public Instruction in this Province has himself visited Sirajganj and made personal enquiries into the actual state of affairs in these schools, with the result that he has recommended that the question of the withdrawal of the University's recognition of these schools should be taken up. He has further reported that while at Sirajganj he was approached by a very influential deputation of the leading Mohammedan gentlemen of Sirajganj, who presented a petition to him, in which they complained of the ill-treatment experienced by their boys in these two schools, and of the pressure brought to bear upon them by both teachers and boys to join in political agitation, and asked for the establishment of an independent school for Mohammedan boys.

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* *Vide* No. 2.

† *Vide* page 10.

6. After much consideration, the Lieutenant-Governor has concluded that the penalty suggested by the Director of Public Instruction should be recommended for the consideration of the Syndicate. It is with regret that he has decided to take so severe a measure, but unless the schoolmasters realise that discipline is to be enforced, there is much danger that the ultimate effect of the training given in these high schools will be pernicious to the country.

7. I am to state, in conclusion, that Sir Bampfylde Fuller would be very sorry to see so important a place as Sirajganj altogether deprived of high school education by the penalty enforced upon these two institutions, and he has accordingly issued orders for the establishment of a Government High School in this town with as little delay as possible.

No. 4.

Demi-official Letter from H. H. Risley, Esq., C.S.I., C.I.E., Secretary to the Government of India, Home Department, to the Honourable Sir Bampfylde Fuller, K.C.S.I., C.I.E., Lieutenant-Governor of Eastern Bengal and Assam. No. 141, *dated Simla, the 5th July,* 1906.

In connexion with other questions relating to affairs in Eastern Bengal, the Government of India have recently had occasion to consider the application made to the Syndicate of the Calcutta University in your Chief Secretary's letter to the Registrar of the 10th February for the withdrawal of recognition from two schools under private management in Sirajganj. They understand that some difference of opinion is likely to arise in the Syndicate as to the degree of culpability that attaches to the proprietors of the schools, and that in the event of the Syndicate deciding to withdraw recognition or to take any sort of punitive action, the question is certain to be brought before the Senate, where it will form the subject of an acrimonious public discussion in which the partition of Bengal and the administration of the new Province will be violently attacked. In the present state of public feeling in Bengal it seems to the Government of India highly inexpedient that a debate of this nature should take place, whatever may be the decision arrived at by the University authorities in the particular case. They do not deny that the conduct of the students was scandalous in the extreme, and that it was connived at by some, at any rate, of the masters; while they fully recognise the grave dangers arising from the rebellious spirit which has manifested itself of late in many schools in Bengal. But they are disposed to think that the political objections to pressing the application to the Syndicate outweigh whatever educational advantages might be supposed to attach to the withdrawal of recognition from the schools. And they doubt whether a disciplinary measure of this kind, adopted at a time of great public excitement, is likely to exercise a salutary influence over the general body of students and masters who have identified themselves with recent political movements. Instead of having recourse to collective punishment which may involve some innocent persons, and which, in any case, would be liable to be misconstrued in England, they would prefer to rely upon the gradual effect of the new University regulations, which aim, they understand, at discouraging the participation of students in political movements by enforcing the responsibility of the masters and the managing committees of schools for maintaining discipline, both in and out of school hours.

For these reasons I am to suggest, for Your Honour's consideration, the advisability of withdrawing the application for withdrawal of recognition made in your letter to the Registrar of 10th February, 1906.

No. 5.

From the Honourable Sir J. B. Fuller, K.C.S.I., C.I.E., Lieutenant-Governor, Eastern Bengal and Assam, to His Excellency the Viceroy, dated Camp Barisal, the 15th July, 1906.

I venture to trouble Your Excellency about the enclosed letter,* which has reached me from Mr. Risley. The two schools to which he refers behaved scandalously badly. The boys violently interfered with trade in the town, and made a concerted assault upon a European, there being no provocation. The School Committees refused to give up the names of the offenders. The disaffiliation of the schools was recommended by the Education Department, and I forwarded to the University the recommendation of the Department and endorsed them. After the recommendation had reached the University, overtures were made for an amicable settlement. I met them gladly, and offered to withdraw the recommendation if the offending boys were made to pay a small fine. Arrangements for this compromise were almost completed when the Calcutta leaders intervened, and induced the School Committees to go back upon it. The correspondence connected with these negotiations is before the University Syndicate.

There is no question of abiding hardship. When recommending that the schools should be disaffiliated; I made arrangements for establishing a new Government school in the town. And if the schools, after being disaffiliated, acknowledge past errors, I should of course interest myself actively in procuring their reaffiliation.

To withdraw from our position in this case would be to make a concession, not in the interests of education, but to those people in Calcutta who have been striving to render my government impossible, in order to discredit the partition. The withdrawal would degrade the condition of our schools for some time to come. Your Excellency is aware that the concessions that have already been made have, so far, had merely provocative effects.

I have weighed very carefully my responsibilities in this matter. I appreciate the difficulties which arise out of the present political situation. It is my duty to do everything in my power to assist Your Excellency's government, and to stand upon no considerations affecting my personal dignity or reputation. But it is my conviction that, if I give way in this matter, my authority will be so greatly weakened that I shall not be able to maintain that respect for the Government which is so essential for the maintenance of public order in this country; and I beg that Your Excellency will forgive me for venturing to ask that these orders may be reconsidered, or that, if I am to give effect to them, my resignation may be accepted.

I should deeply regret the inconvenience which might result from my withdrawal from the helm at the present juncture, and I have considered carefully whether, in view of this inconvenience, it is not my duty to act in this case in accordance with the wishes of the Government of India, whatever be the consequences. But I have come to the conclusion that it will be better, in the interests of the State, that there should be a new Lieutenant-Governor than that one should hold office in discredit, and I trust that Your Excellency will pardon me for adding to the complications of the present situation.

If Your Excellency is of opinion that I am wrong, and that I should withdraw the recommendation for disaffiliation, I will do so immediately I receive telegraphic instructions to this effect.

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* No. 4.

No. 6.

Telegram from Private Secretary to His Excellency the Viceroy to Lieutenant-Governor, Eastern Bengal and Assam, dated 28th July, 1906.

Your letter to Viceroy, July 15th. His Excellency is very sorry not to have been able to answer your letter before, but your request to be allowed to resign, in reference to instructions with which you cannot agree, has raised important points which require a little time for consideration before Viceroy can give decision.

No. 7.

Telegram from His Excellency the Viceroy to Lieutenant-Governor, Eastern Bengal and Assam, dated 3rd August, 1906.

Owing to great importance of subjects referred to in your letter to me on July 15th, I hope you will understand that I have been unable to send an earlier reply. After most careful consideration, and as I am unable to reconsider the orders conveyed to you to which you take exception, I have decided, with much regret, to accept the resignation you have tendered.

I must, at the same time, express my sincere appreciation of the services you have rendered under very difficult circumstances. I have recommended that Mr. Hare should succeed you, and I have asked him to communicate with you as to his taking over your duties.

Please consider this private till appointment is made public from here.

No. 8.

Telegram from the Honourable Sir J. B. Fuller, K.C.S.I., C.I.E., Lieutenant-Governor, Eastern Bengal and Assam, to His Excellency the Viceroy, dated Shillong, the 4th August, 1906.

I thank Your Excellency for kind expression. It would be a great convenience could I be informed of approximate date of relief.

No. 9.

From His Excellency the Viceroy to the Honourable Sir J. B. Fuller, K.C.S.I., C.I.E., Lieutenant-Governor, Eastern Bengal and Assam, dated 5th August, 1906.

I received your letter of July 15th with very sincere regret, and I asked Dunlop Smith to telegraph to you that the considerations it involved were so serious that it was impossible for me to send you a reply at once. This I hope you understood. I can assure you I have given the most careful thought to the exception you took to our views here on the school question, and it appeared to me that, in the face of the opinions you expressed, it would be most unadvisable for your own sake, as well as on public grounds, to press you to retain your appointment.

I therefore telegraphed to you on August 3rd accepting the resignation you had tendered. I cannot say how painful it was for me to do so, for no one is more aware than I am of your long and distinguished public services, and of the exceptionally difficult position in which you have been placed. You have had new machinery to work with, and have had opposed to you an organisation whose object has been to render impossible the administration of the new Province. Therefore, when a decision on the Sirajganj school question had to be taken, I felt that, as you had expressed your willingness to resign, it would not be right to ask you to undertake procedure of which you did not approve, and which could only add further to the difficulties of your surroundings, and entail further risks as to the security of your position.

I can only repeat my sincere regret at the course of events so soon after my arrival in India.

The Secretary of State has approved the appointment of Mr. Hare as your successor, and I have to-day telegraphed to you that I hope you will arrange with him as you find most convenient

Mr. Slacke in the meantime takes charge in Bengal till Sir Andrew Fraser returns.

I had much hoped to delay the announcement of your resignation till after the "Partition" public meetings fixed for Tuesday next, but unfortunately the newspapers have succeeded in obtaining information which it would be impossible to prevent them making use of, if I endeavoured to delay the official notification. I therefore have decided to let it appear to-morrow.

Of course, I do not know what your plans are; but, if I can be of any use to you in the future, it will be a great pleasure to me.

No. 10.

From the Honourable Sir J. B. Fuller, K.C.S.I., C.I.E., Lieutenant-Governor, Eastern Bengal and Assam, to His Excellency the Viceroy, dated Shillong, the 13*th August,* 1906.

I am much obliged to Your Excellency for your kind letter.

It is always possible to take a philosophical view of misfortune, and I think that it was inevitable, in present circumstances, that the man who was selected to carry through the partition of Bengal should lose his life in the enterprise. Unless he abandoned every attempt to assert the authority of the State, his action was certain to bring him into very unpopular prominence. But it seemed to me to be wiser to face this difficulty than to allow British rule to fall into disrepute, and law-abiding people to suffer.

The kind words with which Your Excellency's letter concludes encourage me to recommend two of my officers for favourable remembrance. They are Mr. Lyon, my Chief Secretary, and Mr. LeMesurier, the Commissioner of Dacca. I am indebted to all of my officers for loyal service. But I am under a special obligation to these two gentlemen. They are both of much practical and literary ability, and are devoted to the interests of the country. I should be very greatly distressed were they to be involved in my fall.

APPENDIX.

Enclosure in No. 3.

From M. P. Chatterji, Inspector of Schools, Rajshahi Division, to the Director of Public Instruction, Eastern Bengal and Assam, No. 1, dated 2nd January, 1906.

I HAVE the honour to state that, in obedience to a telegraphic order of the 20th December, 1905, asking me to hold an enquiry into the recent disturbances at Sirajganj, I proceeded to Sirajganj on the 20th evening, reached there on the 22nd morning, and held an enquiry from the 22nd to 25th. I left the place on the 26th morning. The result of my enquiry I beg to submit as follows :—

2. The late disturbances at Sirajganj were the result of the *swadeshi* movement. It appears that a society under the name of *Swadeshi Sebak Samiti* was formed by Sirajganj leaders under the presidency of Professor J. C. Chakrabarti, of Aligarh College, who, I understand, visits the place occasionally. The following are the gentlemen who were some of the leaders under whom the society was started :—

1. Babu Prasanna Kumar Mazumdar, Vice-Chairman, Municipality.
2. „ Sasi Dhar Neogi, L.M.S., a medical practitioner.
3. „ Amrita Lal Sinha, Naib, 8-ganda, Dinmani Chaudhurani.
4. „ Radha Govinda Saha, 1st Additional Master, B. L. School.
5. „ Kunja Behari Guha, Head Master, Victoria School.
6. „ Annada Charan Mazumdar, Second Master, Victoria School.
7. „ Haralal Banerji, Third Master, Victoria School.
8. „ Bankim Chandra Rai, Merchant.
9. „ Madhu Sudan Sarkar, M.A., B.L., the late Head Master, B. L. School.

3. It further appears from the report of the Head Masters of both the schools that the Marwaris of Sirajganj entered into a contract with the leaders to the effect that they would not bring a fresh supply of English goods. A volunteer corps was formed consisting of volunteers recruited from the two local high schools, namely, Banwarilal High School and the Victoria School, with a view to guard against the sale of foreign goods. The executive committee of *Sebak Samiti* elected Babu Suresh Chundra Das Gupta, the drill master of the B. L. School, as the General of the volunteers. Babu Radha Govinda Saha, First Additional Master of the B. L. School, was generally styled, in this connection, Commander-in-Chief, although I understand, from a verbal statement of the General, that he was not appointed to that position by any authoritative body. Babu Annada Churan Mazumdar, the Second Master of the Victoria School, was called the Deputy Commander-in-Chief. The following volunteers among others were appointed as Captains :—

1.	Jadab Chandra Saha,	Entrance Class,	B. L. School.
2.	Nalini Chandra Lahiri,	do.	Victoria School.
3.	Kamini Kumar Sarkar,	Second Class,	do.
4.	Satyanarain Bose,	do.	do.
5.	Balaram Saha,	do.	do.
6.	Arabinda Sarkar,	do.	do.
7.	Bejoy Gobinda Saha,	First Class,	do.

4. I did not care to take down the names of the Captains, as I was told that they were all among the volunteers whose list had already been supplied to me, which I have subjoined in this report; under the leadership of General Suresh Chundra Das Gupta, the volunteers used to be posted in different batches at different places in the bazar, specially in that locality where the Marwaris dwell, with a view to preach the *swadeshi* cult, as well as to guard against the importation of foreign goods. From a statement of the report of Babu Bijoy Govinda Bhaya, the Assistant Head Master, Banwarilal School, I conclude that, even before the formation of volunteer corps, the boys were in the habit of going to the bazar and preaching the *swadeshi* doctrine, and it was probably just to avoid this that Marwaris entered into the contract stated above. Bijoy Babu says that the Marwaris gave a written undertaking, but no such document I was in a position to inspect. The leaders, however, suspected that the Marwaris were not true to their agreement. Hence I believe the formation of volunteer corps.

5. I understand also from a verbal statement of Mr. Carberry, whom I saw during my investigation, that the boys not only used to go about preaching and picketting, but also were in the habit of marching through the streets with flags in their hands and of crying "Bande Mataram."

6. On the 15th November at about 7.30 a.m. General Suresh Chandra Das Gupta posted some 12 or 13 volunteers—9 from the Banwarilal School and 3 or 4 from the Victoria School—at different places of the Marwari quarter of the bazar. About an hour after a cart loaded with bundles of cloth was seen moving near the junction called the Khalifapati junction. The volunteers on duty rushed to the spot, and enquired what sort of cloth was being carried and what was the destination of the cart. They were informed either by the cartman or a Marwari walking behind the cart that the cloths were being carried to Ullapara, a village at a distance of about 12 miles from Sirajganj. The Marwari escorting the cart went to a neighbouring shop and soon returned with two or three more

Marwaris. According to the almost unanimous statement of the boys, whose deposition I have taken, these Marwaris threw down the bundles of cloth on the ground, with a view, as the boys say, to make a case against them. Some of the boys thereupon went to Suresh Babu, the General, who was not on the spot and informed him of it. The General soon came, but went away without doing anything. Such is the purport of the statements of the boys. The same day the Marwaris lodged a complaint to the police, and a local enquiry was held, which commenced, I am told, at about 12 and terminated at 4. I cannot, however, be sure of the time. I saw Mr. Marr, the Sub-Divisional Officer, and asked for a copy of the police report. He ordered a copy to be sent to me, but it has not reached me as yet beyond the two complaints I have appended herewith. All I write here is from hearsay. I understand the police enquiry ended in failure.

7. The enquiry at midday was held somewhere near the Bengal Bank, when Mr. Carberry, an officer of the Bengal Bank, was working at his office. At about 4 in the afternoon at the termination of the police enquiry the assembled boys, as well as I believe others, shouted "Bande Mataram." Mr. Carberry happened to have been coming out of his office at that moment and was driving in a dog-cart. The horse of the cart naturally shied at the shout, and it is quite possible that Mr. Carberry used some threatening language or even his whip, as some boys alleged. The crowd, however, pursued him, and when he was on the bridge he was in a most critical condition; the syce had to conduct the horse (this I heard from Mr. Carberry himself). When at last he reached the foot of the bridge, somebody from among the crowd struck a bamboo on the cart. Mr. Carberry says it did not strike his head, but somehow the hat was thrown down, and he had to go away without his hat. Such were the incidents connected with Mr. Carberry's case, which I heard partly from Mr. Carberry himself and partly from the local people, but none was able or ready to identify any of the boys or men who pursued Mr. Carberry and assaulted him. It will be seen from the statement of the volunteers that they all deny of knowing anything of the affair.

8. Taking Mr. Carberry's case first, it is beyond dispute that, whoever might have been the actual culprit, the volunteers are responsible for the whole affair. Mr. Carberry says that all those who pursued and assaulted him were boys. There were about 50 of them. The local people, whom I asked about it, were also unanimous in stating that the culprits were mostly boys, although others joined them. It appears that there is a strong combination not to whisper a single word about the case. That the boys denied everything about it was, I am of opinion, the result of instruction they received from the leaders, the guardians, as well as, it is possible, from the teachers.

9. There are one or two points in connection with Mr. Carberry's case which cannot be overlooked. Fifteenth of November was Kartic Puja day. Victoria School was closed at 2. It is very probable that many of the Victoria boys assembled after the school hours on the spot where the police enquiry was being held, and it is probable that many of these boys pursued Mr. Carberry. As regards the Banwarilal School, the Assistant Head Master in charge says that the incidents occurred at a time when his school was not yet dismissed and that the school clock is kept half an hour behind the time. That the clock is kept behind the right time I have verified; and it is also a fact that the school was dismissed after 4. At what precise time the assault took place I have not been able to ascertain. What time the police have stated in their report is also not known to me. I asked Mr. Marr; he also could not say definitely. Mr. Carberry told me that he goes home generally at 3; that day, however, he was somewhat late in going home. The time might be, he said, between 4 and 5, but he states in his petition that the incident occurred "to-night." Whatever that may be, I am nearly certain that many of the boys of the Banwarilal School must have reached, after the dismissal of the school, the eastern foot of the bridge, where the assault took place.

10. That Mr. Carberry's assault took place after the Banwarilal School had been dismissed is, to a certain extent, proved by the Sub-Inspector of Schools' statement appended herewith, that Babu Radha Govinda Saha, the First Additional Master of the Banwarilal School, was at the Sub-Inspector's house on his return from the school, and that he left the place as soon as he heard the boys shouting near the bridge. He went to see what was happening. He must have seen a number of boys gathered there. Unfortunately the statement from the Sub-Inspector I got only on the 26th morning at the steamer ghât, when I was about to leave Sirajganj, and I was told that Radha Govinda Babu had already left Sirajganj. I, however, instantly at the ghât wrote a letter to the Head Master of the Banwarilal School to obtain an explanation from Radha Govinda Babu. I have not heard from the Head Master on the subject yet. This is one of the reasons why I wanted a little time before I would finally submit this report. I may add here that, on consulting the class registers, I find that four out of the nine Banwarilal School boys who were connected with the Marwari incident, namely, Asutosh Mitra of the Second Class, Basanto Kumar Hore of the Fourth Class, Akhil Chandra Sen and Binode Kishore Sen of the Second Class, were absent from the school on the day of occurrence, and the registers show that they were not granted leave even afterwards. The natural presumption therefore is that these four boys were present at Mr. Carberry's incident. Of this, however, we cannot be very sure.

11. Even a cursory view of the papers I have appended will show that the Marwari case has been incontestably proved. Whether the volunteers actually did any violence to the Marwaris in the shape of stopping their cart or throwing down the bundles of cloth or not, it is certain that they went there for the purpose of doing some mischief. For our departmental purposes the guilt is sufficient to be taken notice of.

12. It will be seen from the report of Babu Bijoy Govinda Bhaya that he gives me eight names of those who were connected with the Marwari incident. The Head Master of the Victoria School gives me three names. These two make up only eleven men, but it will be seen that Balaram Saha states that Basanto Kumar Hore was also present. I have no reason to disbelieve in this statement. Satyanarian Bose states categorically that nine boys from the Banwarilal School were present. As none of the other boys go beyond the number 9 so far as Banwarilal School is concerned, I have no reason to doubt the genuineness of the statement. None of the Banwarilal School boys whose depositions I took has gone beyond the number 3 so far as the Victoria School is concerned, except Akhil Chandra Sen, who gives me the name of Joy Narain Ram, whom he calls Joy Govinda Ram, but there is no reason to doubt that the two are the same. The number 13 is therefore altogether the correct number. The following are the 13 boys who were implicated in the Marwari case :—

1.	Surendra Nath Tarafdar, Third Class	Banwarilal School.
2.	Akhil Chandra Sen, Second Class	
3.	Tara Prasanna Gupta Bhaya, Second Class	
4.	Benimadhab Chanda, Second Class	
5.	Binode Kishore Sen, do. do.	
6.	Asutosh Mitra, do. do.	
7.	Haripada Mazumdar, Third Class	
8.	Basanto Kumar Hore, Fourth Class	
9.	Nirode Chandra Sen, Second Class	
10.	Balaram Saha, Second Class	Victoria School.
11.	Satyanarain Bose, Second Class	
12.	Surendra Kumar Saha, Fourth Class	
13.	Joy Narian Ram, Third Class	

13. These names were at first given to me by the two Head Masters independently. The Banwarilal School Head Master (Bejoy Babu) had taken down their depositions at first in my absence, but I verified them afterwards. The depositions of the Victoria School boys were taken by myself, although written down by the Head Master at my dictation. The presence of the three boys, Balaram Saha, Surendra Kumar Saha, and Satyanarain Bose, at the Marwari incident, could be easily anticipated, considering that they were among the five boys of the Victoria School who "were selected volunteers temporarily for three days in a meeting held in the evening preceding the day of the Marwari incident to see which Marwari was infringing with the rules of their panchayat that agreed to work according to the wishes of the executive committee of the local *Swadeshi Sebak Samiti*."

14. The following is a consolidated list of the volunteers after having eliminated the names of those who were connected with the Marwari case :—

Banwarilal School.—Jadab Chandra Saha, First Class, Maheswar Saha, First Class, Satis Chandra Dutta, Second Class, Binode Behary De, Second Class, Batuklal Rai, Second Class, Radhika Lal Sinha, Second Class, Achyadananda Shah, Second Class, Bhawani Kanta Tarafdar, Fourth Class, Radhika Raman Saha, Second Class, Trailakya Nath Saha, Second Class, Kunja Lal Saha, Third Class, Khagendra Mohan Saha, Second Class.

Victoria School.—Matilal Sinha, Nalini Chandra Lahiri, Bijoy Govinda Saha, Narendra Kumar Mazumdar, Girija Ranjan Pramanik, Kiran Chandra Rai, Hem Chandra Guha, First Class ; Dayal Chandra Saha, Bhubaneswar Mazumdar, Kamini Kumar Sarkar, Jadunath Pal, Sitanath Saha, Haridas Saha, Sachchidananda Saha, Ramlal Chanda, Arbinda Sarkar, Pramatha Nath Datta, Dwijendra Nath Tarafdar of the Second Class ; Rajendra Lal Saha, Narendra Kumar Rai, Joy Govinda Chaudhuri, Narendra Kumar Chaudhuri, Amar Chandra Saha, Priya Nath Guha of the Third Class ; Brajendra Kumar Saha, Khirode Lal Saha, Umesh Chandra Pal, Chandra Binode Dey, Krishna Govinda Saha, Gaur Hari [illegible] Ganesh Chandra Pal, Abinash Chundra Chaudhuri of the Fourth Class ; Bankim Chandra Rai, Gopiballav Chakrabarti of the Fifth Class.

15. As far as the Victoria School goes, I think the list is pretty complete. The Head Master acted frankly in this matter. But I have some doubt with regard to the list of the Banwarilal School. I am afraid the Drill Master and the Assistant Head Master in charge concealed the names of the boys of many influential people of the town of whom perhaps they were afraid. But this is only a guess.

16. From what I have stated above it is beyond dispute that the two high schools have gone very seriously wrong in matters of discipline. In the first instance, it is the leaders at Sirajganj who are directly responsible for it. The teachers have been culpably negligent of their duties and many of them wilfully led the boys astray. The leaders outside the schools are out of our reach. The teachers, therefore, deserve to be punished first. The chief among them are Babu Radha Govinda Saha, the First Additional Master of the Banwarilal School, and the so-called General Babu Suresh Chandra Das Gupta, the Drill Master of the Banwarilal School. It will appear further from the report of Babu Bijoy Govinda Bhaya that Babu Madhu Sudan Sarkar, the late permanent Head Master of the Banwarilal School, was a moving spirit. He left the school after the incidents recorded above had happened, and joined the bar. He is also therefore out of our reach. The Banwarilal School suffered mainly through his instrumentality. I have not found anything directly against any other teacher of the Banwarilal School. Babu Bijoy Govinda Bhaya has been kept in charge of the school since the resignation of Madu Babu. I have found no evidence against him ; rather on the contrary, I have found that there was some misunderstanding between him and the permanent Head Master. As regards the Victoria High School the

EAST INDIA. (CASE OF MR. A. P. PENNELL.)

9

CORRESPONDENCE

RELATING TO THE

REMOVAL OF MR. A. P. PENNELL

FROM THE

INDIAN CIVIL SERVICE.

Presented to both Houses of Parliament by Command of His Majesty.

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EAST INDIA (CASE OF MR. A. P. PENNELL).

Correspondence relating to the Removal of Mr. A. P. Pennell from the Indian Civil Service.

No. 1.

Letter from the Government of India to The Right Honourable Lord George Francis Hamilton, His Majesty's Secretary of State for India. No. 54 Home (Public) Department, dated the 30th May, 1901. *Received* 17 *June,* 1901.

We have the honour to forward, for your Lordship's consideration and orders, the accompanying papers regarding the conduct of Mr. A. P. Pennell of the Indian Civil Service, lately District and Sessions Judge of Noakhali in Bengal.

2. Mr. Pennell, in his capacity of District and Sessions Judge, was recently called upon to try a charge of murder brought against Sadak Ali and three others. The case began on the 7th January 1901. The Assessors, on the conclusion of the evidence and arguments of the case, gave their opinion on the 25th January. The case was then adjourned for judgment till the 28th idem, but delivery of judgment was, for various reasons, postponed by Mr. Pennell till February the 15th. Of the four accused, one was acquitted by him, two were convicted of murder and sentenced to transportation for life, and the fourth (Sadak Ali) was convicted of murder and sentenced to death. It was incumbent upon the Sessions Judge to make a reference to the High Court for the confirmation of the sentence of death on Sadak Ali under section 374 of the Code of Criminal Procedure, and the judgment terminates with the words " the proceedings will be submitted to the High Court for confirmation of the sentence of death passed upon the accused Sadak Ali." No reference was, however, made to the High Court ; and on the 4th of March, in consequence of the failure of Mr. Pennell to make over, in accordance with their directions, the record to the Registrar of the Court, the Honourable Judges recommended his suspension. Orders were passed by the Government of Bengal on the same date suspending Mr. Pennell from the office of District and Sessions Judge. Mr. Pennell has subsequently appealed to Your Lordship against these orders, with which we have declined to interfere, and has asked that he may at once be reinstated and compensated for the treatment to which he has been subjected.

3. The record was produced by Mr. Pennell to the High Court on the 6th of March. The judgment had already been published, without any official authority, in instalments in certain newspapers. The first portion of it that appeared in print was made public in the " Amrita Bazar Patrika," and its publication in that newspaper was completed on 5th March. Moreover, prior to the delivery of judgment by Mr. Pennell, extracts purporting to be made from the order sheet in the case of the King-Emperor against Sadak Ali and others, and which were in fact copies of orders passed by Mr. Pennell after 25th January, were published in the " Amrita Bazar Patrika." Judgment was not given by the High Court until the 17th April. The accused Sadak Ali had then been under sentence of death for more than two months. The High Court set aside the conviction against him and directed that he should be retried. The retrial has since taken place ; and Sadak Ali has been sentenced to transportation for life. The conviction and sentence of transportation for life passed on the two other accused persons were also set aside by the High Court.

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4. On the day on which judgment was delivered in the case of Sadak Ali and others, Mr. Pennell caused Mr. Reily, the District Superintendent of Police of Noakhali, to be arrested, and, on the following day, recorded proceedings in the matter, which purported to be held under Section 477 of the Criminal Procedure Code. He therein stated that he considered it his duty to hold an inquiry preliminary to committing Mr. Reily to the High Court, to be tried for giving false evidence in the case against Sadak Ali, for forging a record of a Court of Justice, and for fraudulently using as genuine a forged document which he knew to be forged, and he fixed 25th February as the day for the commencement of the inquiry. Mr. Reily was, a few days after the date of this order, released by the High Court on bail, which had been previously refused by the Sessions Judge. An appeal to the High Court against Mr. Pennell's order of 16th February was heard by the same Bench which disposed of the appeal of Sadak Ali and others, and on the 26th of April, 1901, the High Court set it aside also.

5. In disposing of the case of Sadak Ali and of the appeal in the matter of the proceedings taken against Mr. Reily, the High Court passed very severe criticisms upon the action of Mr. Pennell. They said that he had reversed the wholesome rule and right principle of law that a person accused of a crime should be presumed to be innocent until he is proved to be guilty. They found that Sadak Ali had not had a fair trial in the Lower Court, and accordingly they set aside his conviction, and directed that he should be retried. Mr. Justice Amir Ali observed that Mr. Pennell's judgment, which extended to 80 pages of print, and which had taken him 16 days to write, "teemed with observations which prove to us beyond reasonable doubt that, whatever the causes, he had started upon the trial with the settled idea that not only the accused before him, but the others, whose names had been given by the complainant and his partizans, were guilty." In another part of his judgment the learned Judge remarked that Mr. Pennell "in his observations on the conduct of the Superintendent of Police, appeared to have exceeded all legitimate limits of criticism;" that there was "no possible excuse for introducing into the judgment matters which have not the remotest relevancy to the case, and comments on persons who have no sort of connection or concern with it;" and that "the introduction upon the record against all rules and principles of evidence of documents which had not the faintest bearing on or connection with the case which the Sessions Judge was trying, with the plain object of enabling him to ventilate his own grievances, real or fancied, and delivering a homily to the public upon the general wrong doing of high placed officials, had made a travesty of justice." On the same occasion Mr. Justice Pratt, the colleague of Mr. Justice Amir Ali, spoke as follows:—

> "The spectacle which Mr. Pennell, the Sessions Judge, has presented in this case must be painful to every right thinking man.
>
> "The record abounds with documents which were not used in evidence either by the prosecution or on behalf of the defence. Mr. Pennell has chosen to import them himself and to make them exhibits in defiance of the law of evidence, and ostensibly that they may be made public for his own personal and ulterior purposes.
>
> "He has set no bounds to his intemperate language, nor hesitated to heap vituperation upon the Viceroy, Lieutenant-Governor, High Court Judges, and many others wholly unconnected with the case before him. Imagining himself safe under the shield of what the law calls 'privilege,' he has taken an undue advantage of his position as Judge in order to vent his irritation upon all and sundry who, he conceives, have incurred his resentment. It is not that he has in an unguarded moment given utterance to some ill-advised expression. Fully one-third of the judgment, which occupies 80 pages of print, and which he admittedly took 16 days to write, is devoted to a scathing condemnation of officials high and low in respect of matters wholly irrelevant to the case under trial. It can hardly be deemed honourable for a Judge to draw pay from Government for time spent not in performing the plain judicial duty that lay before him, but in elaborating an uncharitable indictment against that very Government, as well as against several individuals whose position as he well knew precludes them from offering any reply."

6. In the subsequent appeal brought by Mr. Reily against Mr. Pennell's order of the 16th February, the Court, composed of the same learned Judges, expressed the strongest disapproval of the Sessions Judge's action in committing Mr. Reily to prison for nine days when there was not even a *primâ facie* case

against him. They held that "apart from the illegality of the order of commitment, and dealing with the merits of the case, there was no ground for the proceeding," and that "in the judgment of the Sessions Judge, beyond surmises and assumptions, they found nothing to justify the view that the petitioner (Mr. Reily) had wilfully perjured himself or intentionally given false evidence in Court. There was less ground even for the charge of forgery." They summed up the judgment in the words: "We regret to observe that in dealing with this matter the Sessions Judge does not seem to have maintained a judicial balance of mind"; and accordingly they set aside his order.

7. These were the judgments of the High Court of Calcutta upon the two cases in which Mr. Pennell, as Sessions Judge at Noakhali, has recently been concerned. We have never read, and we cannot imagine, a more severe or uncompromising condemnation of the conduct of a Judge, both in his treatment of the judicial and of the general aspects of the case before him, than was passed upon Mr. Pennell on this occasion: and we desire to express to your Lordship our opinion that his conduct entirely merited the censure which the Judges of the High Court thought fit to apply to it. The spectacle of a Judge who treats the Bench as a public platform for the airing of his own grievances, for the gratification of personal animosity, or for the delivery of a polemical harangue, is profoundly discreditable both to the administration of justice and to the cause of law and order in this country. Such an attitude is not redeemed by ability, and is aggravated by malevolence. It deserves, in our opinion, the severest reprobation that is capable of being meted out to it.

8. It was upon receipt of the judgments in these two cases that the Lieutenant-Governor addressed an inquiry to the High Court as to whether the Honourable Judges were in agreement with him in thinking that Mr. Pennell could not again be placed in the office of Civil and Sessions Judge. The Judges replied that "inasmuch as Mr. Pennell had shown himself unfit to discharge judicial functions, they agree that he ought not again to be placed in the office of District and Sessions Judge." Sir John Woodburn thereupon reported to us, that, for reasons to which we shall presently allude, Mr. Pennell was not less unfit to be employed in any executive than in any judicial capacity; and that he accordingly recommended his removal from the Public Service, and retirement on such compassionate allowance as we might think right to recommend to Your Lordship. It is this recommendation upon which we are now called upon to express our views.

9. We will first deal with the circumstances of the recent trial, in so far as it is necessary for us to do so. The judgment of Mr. Pennell was in its essence —until this was lost sight of and forgotten—an indictment of the conduct of the local Police. We do not quarrel with this attitude on the part of the Sessions Judge. There is much, in our opinion, to show that the administration of the Police in the Noakhali district is not in a satisfactory state. This is one illustration of a case, the gravity of which is candidly acknowledged by the Government of India, and to which they are addressing their serious attention. In the district under examination the matter has excited the earnest attention of the Lieutenant-Governor, who has directed a special inquiry that is now in progress. In their judgment of the 17th April, the Judges of the High Court have stated the attitude which a Judge should take in respect of any condemnation of the action of the Police, in a case which comes before him, in language which will commend itself to all reasonably minded men. Some justification might, indeed, be offered for a Judge if, led away by feelings of honest indignation at what appeared to be oppressive treatment, he hastily strayed beyond the bounds of judicial language. But no excuse of this nature can be offered on behalf of Mr. Pennell. It cannot be pleaded on his behalf that he has been led by inexperience into using other than judicial language The language used in his judgment is not that of the righteously indignant Judge, and, in paragraph 2 of his published memorial to Your Lordship, dated 23rd March last, he has himself stated that he had deliberately determined to make use of the judgment in order to attack the Government and the higher judicial authorities in India. Mr. Pennell has advanced, as the reason for his extraordinary action, the letter

addressed to him by Mr. Buckland, Chief Secretary to the Government of Bengal, dated January the 26th (enclosure No. 18 of the Bengal Government's letter of May the 9th), regarding the improper manner in which Mr. Pennell had, in his letter to Mr. Buckland of 31st December, 1900, referred to one of the Judges of the High Court. The fact that there was no foundation for Mr. Pennell's contention that this letter constituted an attempt on the part of the executive Government to intimidate him with a view to preventing him from directing the prosecution of Mr. Reily, is completely established in the Bengal Government's letter. We are unable to find anything to show that Mr. Pennell's action was dictated by good faith or integrity of purpose. In our opinion his judgment can only be regarded as a vituperative and calumnious attack on all constituted authority in this country, and his motives in writing it can be adequately inferred from the fact that publicity was given to it before the record was permitted to go to the High Court. It is not necessary to refer here to any of the matters foreign to the question of the guilt or innocence of the accused persons being tried before him, which Mr. Pennell introduced into his judgment, since an examination of them is not material to the consideration of Mr. Pennell's action in importing them into the record. But, if the value of his charges against the Local Government and against other persons may be estimated from the character of the accusations which, in the course of the judgment, he thought fit to level against the Government of India, in connection with the notorious Chapra case, we may inform Your Lordship, without any demur, that the latter were destitute of any truth from beginning to end.

10. There remain four other aspects of Mr. Pennell's case, to which we have been constrained to give our own, and to which we invite Your Lordship's attention.

The first of these is Mr. Pennell's previous conduct upon the Bench. The recent occasion has been by no means the first on which his proceedings as a Judge have exposed him to the censure of the High Court. In July, 1898, the High Court set aside an order passed by Mr. Pennell as Sessions Judge of Mymensingh, and directed the Registrar to expunge from the record in the case of Baroda Nath Bhattacharji *versus* Kerait Shaikh certain objectionable remarks regarding the conduct of Government, the Magistrate, and the Deputy Magistrate.

In March 1900 the High Court again instructed him, with reference to the judgments recorded by him in two appeals which came before him when acting as Sessions Judge of Saran, that a judicial officer is not warranted in making any imputation against the character of any person in the course of judicial proceedings, unless some substantial ground arising out of the proceedings exists for his doing so, and that he is still less justified in making a general imputation against a whole body of public servants at random, and unnecessarily for the purposes of the case. It was stated that certain passages in the judgment in the appeal of Narsingh Singh *versus* the Queen-Empress had been expressed in terms which the Judges regarded as intemperate and conspicuously wanting in that sense of dignity and self-restraint which ought to characterize all judicial utterances. Mr. Pennell was reminded that the Court had, on a previous occasion, been compelled to expunge portions of a judgment delivered by him, as intemperate in expression and containing improper and uncalled for imputations, and the Judges expressed a hope that they would not have to admonish him again.

The transfer of Mr. Pennell from Saran to Noakhali in 1899 was further due, not, as he falsely states in his judgment now under notice, to his conduct in the Chapra case, but to his incompetence as a Judge. Mr. Pennell, as Additional Judge of Saran, had allowed the arrears of Sessions cases to accumulate to such a degree that it was considered hopeless to expect their early disposal as long as he remained in occupation of that post.

11. The second aspect is Mr. Pennell's conduct in connection with the present case, which has revealed a complete disregard of all official discipline, that is incapable of any other interpretation than a studied revolt against superior authority, and a wilful desire to provoke removal from the service of

which he is a member. The Lieutenant-Governor has noticed that, though refused leave by the Local Government on 27th February, Mr. Pennell nevertheless disobeyed orders and left the station. On the 3rd March he was ordered to return there, and again disebeyed. On the 4th March he was ordered to deliver over the record to the High Court, bv the Officiating Registrar, in accordance with an order issued by the Criminal Bench. He declined, and treated the order with contempt. On 5th March, he was again ordered to return to Noakhali, and again disobeyed. When he did subsequently return, it was only to receive a public ovation, which was, as the Bengal Government observes, intended as a political demonstration. Mr. Pennell has further continuously transgressed the orders of the Government of India relating to the communication by servants of Government of official documents or information to the public press by making public many of the papers relating to the recent case, including the improper and disrespectful memorial to Your Lordship of the 23rd March, which was returned to him. The Government of India have in consequence been placed in the intolerable position of reading in the newspapers from day to day the first intimation of the proceedings of an insubordinate official, of whose conduct they had no official cognizance, and over whom they were powerless to exercise control. Among the papers to which publicity was thus given in the Press was a letter, purporting to have been written by Mr. Pennell to the Government Prosecutor at Noakhali with reference to the retrial of Sadak Ali, and alleged to have been handed to the papers by Mr. Pennell himself. In this communication, a copy of which is included in the enclosures to this despatch, Mr. Pennell instructed the Government Pleader in what manner he ought to proceed in order to secure a verdict against the man for sentencing whom to death he had himself been overruled and he further betrayed a disrespect towards the Judges of the High Court who had ordered the retrial, and a personal animus against the victims of his own original judgment, which would be incredible were they not in entire keeping with every other incident in his conduct. Finally, Mr. Pennell has left India not only without leave, but in open disregard of an intimation that such leave had not been granted to him. The Bengal Government, on hearing that Mr. Pennell proposed to start for England, referred to us the question whether he should be allowed to proceed. We requested them to inform him that under Art. 8 of his covenant he could not leave India without permission. Mr. Pennell has written a letter, dated 14th May, in reply, stating that he was unaware whether he had to apply to the Government of India or the Government of Bengal for permission, and that he proposed to leave the following day in anticipation of permission being given by the requisite authority. He sailed from Bombay on 15th May. Like all other officers of Government, Mr. Pennell is under an obligation to make himself familiar with the leave rules, and it is absolutely inconceivable to us that any Civil Servant could imagine for a moment that he could leave India at his own pleasure. Art. 218 of the Civil Service Regulations prohibits leave of absence being granted for a definite period to an officer suspended from duty, and provides that, if permission to proceed to England is granted in such a case, it should only be for such period as the Secretary of State may determine. We can only consider Mr. Pennell's action in this matter as due to a deliberate disregard of all rules and regulations which is in entire harmony with his previous behaviour; and, in our opinion, it amounts to wilful desertion.

12. Thirdly, we desire to refer to the memorial which Mr. Pennell has addressed to your Lordship regarding his suspenion from duty. His original memorial was forwarded to the Bengal Government on the 23rd of March, and a copy of this document has, we understand, reached your Lordship. The Lieutenant-Governor very properly declined on 2nd April to forward the memorial until certain disrespectful and improper language had been omitted from it. Mr. Pennell, on April 29th, submitted a revised memorial. The contentions advanced in the memorial are that no charges were framed against Mr. Pennell, that he was not asked for any explanation, and that no limit was placed on the period of his suspension. The High Court's letter of the 4th March, 1901, to the address of the Bengal Government, gives the reasons for which the Court recommended his suspension. In our opinion, those reasons entirely justified, and in fact rendered necessary, the action taken by the Bengal Government.

We cannot in any way accept Mr. Pennell's assertion that he was not unwilling to surrender the record. He excuses himself for not having made the reference to the High Court required by the law because the file was in the copying department from the 16th to the 28th of February. Admitting that so much time was required in order that the judgment might be copied for the use of the appellants, there was, in our opinion, no reason whatever for the subsequent delay. The suggestion made in Mr. Pennell's letter of 28th February (enclosure No. 31 of the Bengal Government's letter of 9th May), that it was necessary for him to make the record personally over to the High Court, and to have some of the exhibits photographed before the record passed out of his hands, seems to us to be puerile, and the explanation offered in the memorial of his not having made the record over to the Registrar on 4th March, does not in the least palliate his contemptuous treatment of the order by the High Court. In our opinion it was not necessary that any charges should be framed, or that any explanation should be demanded from Mr. Pennell, before the order for his suspension was passed.

It was clearly impossible that a Judge, who had behaved in such a manner as Mr. Pennell had done in respect of the delivery of the record to the High Court, should continue in office. The actual cause of suspension having been his failure to deliver the record, the High Court, on the conclusion of the appeal to which the record referred, intimated on the 23rd April that Mr. Pennell had by his suspension to that date been sufficiently punished for his contumacy in not surrendering the record. They could not, however, recommend his restoration to a Judgeship, and they concurred, as has already been pointed out, with the opinion of the Lieutenant-Governor, that he was unfit to be replaced in that position. It follows from our acceptance of this view that we think that Mr. Pennell has no claim whatsoever to reinstatement or to compensation—the two prayers contained in his memorial to Your Lordship of the 29th April.

13. The fourth consideration, which we have found it impossible to overlook, which was equally present to the mind of the Lieutenant-Governor of Bengal, and which we desire to commend to Your Lordship, is the conduct of Mr. Pennell in the previous stages of his official career. Mr. Pennell has now been a member of the Indian Civil Service for not far short of 16 years. We have already referred to his earlier conduct as a Judge, and to the reiterated censures which it has provoked from the highest judicial tribunal in the land. It is conceivable, however, that an individual, though disqualified by aptitude or temper from the becoming discharge of judicial functions, might yet be the possessor of faculties which would qualify him for an executive career. It is even conceivable that errors of egotism or judgment, which would discredit the Bench, might be condoned in consideration of exceptional abilities or service, in other spheres of employment. In common with the Local Government, we have made a careful examination of Mr. Pennell's previous record of service. We desire now to acquaint your Lordship with the result.

Mr. Pennell was employed as an Assistant Magistrate in Bengal from November, 1886, to March, 1889, and from March, 1889, to the end of November, 1889, in the Account Department, which he left at his own request. He was then transferred to Burma, in which Province he served in various capacities, as Assistant Commissioner, Settlement Officer, and Deputy Commissioner, until the 16th of January, 1895, when he was returned to Bengal. Since his return he has not been employed except in a judicial capacity. Mr. Pennell was, while employed in Burma, charged with frequent acts of insubordination, and on two occasions his conduct came to the notice of Lord Elgin's Government. In the first of these instances, Mr. Pennell was guilty of a course of action which sufficiently reveals his uncontrolled and vindictive temper. When in the position of Settlement Officer, he himself laid hold of a Thugyi, the local official of a revenue circle in Burma, who had offended him by his demeanour, tied his hands behind his back with the cord from his office box, and with his own hand inflicted a severe beating upon the Thugyi with his riding whip. On the same day Mr. Pennell gave the Thugyi a verbal order to appear before him at a particular village three days afterwards. On arrival at that village Mr. Pennell found that the Thugyi had left for Moulmein, and he issued a warrant for his arrest. He was arrested and brought before Mr. Pennell two days afterwards. In spite of the fact that he was in possession of orders from the Deputy Commissioner of the district, dated the day before Mr. Pennell required his presence, ordering him to Moulmein, and of a subsequent order granting him two months' leave, Mr. Pennell directed him to pay a fine of Rs. 200 for contempt of Court, and to remain in custody until his examination had been completed. The opinion of this outrageous incident expressed by the Chief Commissioner, was that "Mr. Pennell's conduct throughout the affair had been wholly illegal and unjustifiable, and that his explanation was altogether unsatisfactory and showed a want of proper appreciation of the grave nature of the illegalities which he had committed. The Thugyi would have been perfectly justified in taking criminal proceedings against him, and appeared to have acted with great forbearance in spite of the cruel and illegal manner in which he had been treated." With this opinion we entirely concur. Mr. Pennell was punished for this serious offence by reduction from the responsible position of Settlement Officer to that of Assistant Commissioner of the first grade, and was debarred from being placed in charge of a district until he had shown himself fit for that position. He failed, however, to profit by the lesson which he had then received, and in the following year Sir Alexander Mackenzie found it necessary to record the note, printed as enclosure No. 5 of the Burma papers* attached to the Bengal Government's letter of the 9th May. From this note we call attention to the following extracts :—

* Vide Annex No. 4, page 47.

> Mr. Pennell seems to look upon himself as the chartered libertine of the Burma Commission, and voids impertinences in his official and demi-official correspondence which would not be tolerated in any Government service elsewhere, and which it is high time should cease even here and from him.
>
> I am not sure that I ought not to suspend Mr. Pennell at once, or reduce him to a subdivision, reporting the facts of this and other cases in which Mr. Pennell has misconducted himself, to the Government of India, that he might be kept in Burma in a subordinate position until he learns how to behave himself decently; but I am willing to give him once more a *locus pœnitentiæ.*
>
> I may remark here that the reckless manner in which, not in his demi-official of the 25th August only but as a general rule ~~in all his correspondence~~, Mr. Pennell exposes the work and character of the officers who have preceded him, is something unique in my experience. He has no good word for anyone but himself. I must say that so far I have seen little in his management of Maubin to warrant his self-complacency. His reports have all been months in arrears. The only thing that he seems to do *con amore* is to criticise the work of his predecessors and superiors, while he wastes his time on such long-winded impertinences as his letter of the 19th October and that to the Judicial Commissioner about the Kromer case.

Sir Alexander Mackenzie then reported to Lord Elgin's Government that the case referred to in his note was only the climax of a long series of acts of insubordination and impertinences of which Mr. Pennell had been guilty. He observed, "both the Financial Commissioner and the Commissioner of the Division in which Mr. Pennell served have complained to the Chief Commissioner repeatedly of Mr. Pennell's conduct in this respect. The Judicial Commissioner also had reason to find fault with him on the same account. The Chief Commissioner was inclined to believe that Mr. Pennell was to some extent a victim of dyspepsia, and in the hope that he would, with better health, develop better manners, spoke very seriously to him at Maubin about his attitude towards his Commissioner. Mr. Pennell promised amendment, but afterwards sought to make the Chief Commissioner's leniency appear to be an approval of his conduct. Following on this came the present correspondence, and the Chief Commissioner felt that he had no option but to read Mr. Pennell a severe lesson." Mr. Pennell was at that time expected shortly to revert to Bengal, and Lord Elgin's Government directed that he should remain under the orders of the Chief Commissioner until he complied with the latter's direction, calling upon him to submit an explanation of his insubordinate attitude. On the 1st of January, 1895, the Chief Commissioner reported that Mr. Pennell had complied with his order and had asked indulgence for his conduct. This submission had, however, been very tardily made, and only after Sir Alexander Mackenzie had refused to receive a letter couched in very objectionable language, which Mr. Pennell had in the first instance forwarded to him. The order of suspension against Mr. Pennell was accordingly withdrawn and he was permitted to return to Bengal. His proceedings subsequent to that date have already been related to your Lordship.

14. From this survey of the official career of Mr. Pennell, it is not, in our opinion, possible to draw any other conclusions than those which have been deduced by the Lieutenant-Governor of Bengal, namely, that Mr. Pennell is equally unfitted for judicial and for executive work, that he has been habitually and designedly insubordinate, that he has repeatedly abused his official position and powers, and that he is "so deluded by a morbid and sometimes malignant vanity, which has become the irreclaimable habit of his character, that he can no longer be employed to the advantage of Government in any capacity." We therefore concur with Sir John Woodburn in recommending that he should be removed from the service. His conduct therein has already set a most pernicious example; and his continuance in it would, in our opinion, amount to a public scandal. We have searched Mr. Pennell's career in vain for any extenuating circumstances which might justify us in asking your Lordship to sanction a compassionate allowance to him. But, in a record that has been marked throughout by insubordination and has culminated in wilful desertion, we have failed to find any ground for such indulgence, and upon this point we have accordingly no recommendation to make.

We have, &c.,

[Signed] CURZON.
A. P. PALMER.
C. M. RIVAZ.
T. RALEIGH.
E. FG. LAW.
E. R. ELLES.
A. T. ARUNDEL.

LIST OF ENCLOSURES IN No. 1.

Letter from the Government of Bengal, No. 123-A. D., dated the 9th May, 1901, and enclosures.

Letter from the Government of Bengal, No. 124-A. D., dated the 9th May, 1901, and enclosed memorial.

Letter from the Government of Bengal, No. 299-A. D., dated the 19th May, 1901, and enclosure.

Letter from Mr. Pennell to the Government Prosecutor, Noakhali.

Letter from the Chief Commissioner of Burma, No. 936-7 C.-29, dated the 27th November, 1894, and enclosures.

Letter to the Chief Commissioner of Burma, No. 2,080, dated the 21st December, 1894.

Enclosure 1 in No. 1.

Letter from C. E. Buckland, Esq., C.I.E., Officiating Chief Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department. No. 123A.—D., dated Darjeeling, the 9th May, 1901.

I AM directed by the Lieutenant-Governor to lay before the Government of India the following report regarding the conduct of Mr. A. P. Pennell, I.C.S., late District and Sessions Judge of Noakhali.

2. The matters to be dealt with in this report are of twofold character—*first*, Mr. Pennell's judgment and proceedings in the Char Uria murder case, Emperor *versus* Sadak Ali and others, and, *second*, his general conduct in the discharge of his official duties. As these two matters are closely intertwined with each other, und considerable correspondence bearing on them has passed between this Government, the High Court, and Mr. Pennell, they will, perhaps, be presented most clearly to the Government of India by being treated in the chronological order of the occurrences and by their main points being summarised in this letter; while the details will be found in the enclosures set out at length in an Appendix.

3. Early in December, 1900, Mr. Pennell obtained short casual leave to Calcutta, and when in Calcutta was granted a brief extension of this leave. On 25th and 26th of December, some more correspondence passed between Mr. Pennell and Mr. E. P. Chapman, then Registrar of the High Court, also on the subject of casual leave. Mr. Pennell remained in Calcutta during the Christmas holidays, and on the 31st December applied to me for further casual leave for the 2nd of January. On the same day he wrote to me a letter explaining his delay in applying for the leave for the 2nd of January, and in the course of this letter he used these words:—"Mr. Rampini has not replied either to my letter or telegram. I cannot compel him to reply. He has against me a private grudge of long standing in connection with a syndicate into which he entered for promoting a tea company."

Annex No. 15.

I gave him the leave for the 2nd of January as soon as possible, and put away the letter, being unable, through press of work and the number of official visitors, to attend immediately to the rest of its contents. During the month of January, the subject of the casual leave of Judges came prominently to the notice of Government; and, in dealing with it, Mr. Pennell's letter of the 31st December, which had meanwhile been overlooked, again came before me. On the 26th of January, therefore, I wrote to him with reference to the passage in it relating to Mr. Justice Rampini, already quoted above. I wrote: "This is an imputation of motive which ought not to be made against any one, and certainly not against a Judge of the High Court, as a reason for his dealing with an official matter in a particular way. Before taking any action on the subject, I think it right to give you an opportunity of withdrawing this passage, if you desire to do so. If you prefer to let it stand, it will be my duty to bring it to Mr. Rampini's notice." On 29th of January, Mr. Pennell enquired of me by telegraph whether my letter of the 26th was written by order of Government; and on the 31st he inquired by telegraph whether I had received his previous message. I took no notice of these telegrams, because he knew, or ought to have known, well enough that the Chief Secretary has the express or implied authority of the Lieutenant-Governor for all his official actions and correspondence; and that it is not open to an officer serving under the Government to endeavour to differentiate between the orders emanating from the Lieutenant-Governor himself and those issued by a Secretary on his behalf, even without His Honour's knowledge. The correspondence ending with Mr. Pennell's letter of the 2nd March shows that he has never withdrawn the charge against Mr. Rampini which he has never substantiated.. It it due to Mr. Rampini that it should be mentioned here that he has volunteered to Government an explanation which, as might have been expected, is perfectly satisfactory. It should also be stated that, while the correspondence just quoted was in progress, this Government had no knowledge whatever of the particular case on which Mr. Pennell happened to be engaged at Noakhali at the time my letter of the 26th of January was written in Calcutta and received at Noakhali. It appears from entry 18 on page 7* of the High Court's Paper-book in the Appeal case of Sadak Ali and others that my letter of the 26th January reached Mr. Pennell's hands during the hearing of the Char Uria murder case, and, without any justification whatever for doing so, he brought it as an Exhibit on the record of that case, with the remark:—"It seems to me that the matter may be something more than a coincidence, and that it may be an attempt on the part of the Executive authorities to intimidate me." My letter

Annex No. 18.

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* *Vide* page 170.

made no reference whatever to the case which Mr. Pennell was trying, and nothing could have been further from the intention of Government than to interfere with or to appear to interfere with or to intimidate Mr. Pennell in any way. Had they wished to do so, that certainly would not have been the method they would have chosen.

4. It was on the 8th of February that the attention of Government was first drawn to the possibility of the development of a sensational case at Noakhali by the appearance, in a native newspaper published in Calcutta, of certain paragraphs purporting to be extracts from the order sheet of the case on which Mr. Pennell was then engaged. Up to that moment, the Government still had no knowledge of the case or any information whatever regarding it. The extracts which appeared in the native newspaper contained a greater portion of the entries 18 to 21 (pages 7 to 9* of the Paper-book) of Mr. Pennell's proceedings.

Annex No. 21.

5. On the 14th of February, this Government, after consulting the Honourable Judges of the High Court, issued my Circular No. 1A to all District Judges under this Government with a view to regulate the practice under which casual leave might be obtained by those officers.

Annexures Nos. 22—24.

6. On 15th of February, a telegram was received from the Magistrate of Noakhali to the effect that, in the Char Uria murder case, Mr. Pennell had charged the District Superintendent of Police, Mr. Reily, with offences under sections 193, 466, and 471 of the Penal Code, and that, section 466 not being bailable, the Judge had refused application for bail, had refused to hear the Magistrate, and told the Magistrate that he would not grant bail until Mr. Reily was suspended, and that Mr. Reily was in jail. The Magistrate asked for orders suspending Mr. Reily or any action which Government might deem advisable. On the 16th of February, this Government suspended Mr. Reily, and ordered the Magistrate to inform the Judge and apply for bail and furnish full particulars, including a copy of the Judge's proceedings. A copy of Mr. Pennell's proceedings of the 16th February on the Magistrate's application for bail for Mr. Reily is enclosed. On the same day, the Magistrate again telegraphed that the Judge refused application for bail of Mr. Reily, and had rejected the application for a copy of the proceedings, that separate proceedings were not yet drawn, and that particulars could not be furnished until a copy of the judgment had been received, the papers being voluminous. The Magistrate was then informed that, his application for bail having been refused, Government could do no more, and that Mr. Reily must make his own motion to the High Court by affidavit or as he might be advised. On the 20th of February, there were received from the Magistrate a copy of Mr. Pennell's proceedings under section 477 of the Criminal Procedure Code, dated 16th of February, Emperor *versus* Reily, and of a further order of the same date in the same matter. Under such circumstances, this Government could only allow the law to take its course in respect of Mr. Reily. It has to be mentioned that no authentic copy of Mr. Pennell's judgment reached the Government, although the judgment was delivered on the 15th of February, and although the judgment began to appear at once by instalments in the native daily papers, until printed copies of the Paper-book in the Appeal case to the High Court, which bears date 27th of March, were officially obtained by the Legal Remembrancer.

Annex No. 26.

7. Mr. Pennell, having delivered his judgment by which one man was sentenced to death and two to transportation for life, applied on the 20th of February for casual leave. His application was received on the 23rd, and, in accordance with the usual practice, the High Court were asked by this Government whether Mr. Pennell's application should be granted. On receipt of their reply to the effect that his application should not be granted at present, Mr. Pennell was informed accordingly by telegraph on the 27th and by letter of the same date, enclosing a copy of the telegram. Moreover, by an oversight, the telegram was twice issued to him, both by myself and by my office. Thereupon,

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* *Vide* pages 170, 171.

Mr. Pennell, having received both the telegrams by which his application for casual leave was refused, proceeded to leave his station and came to Calcutta.

Annex No. 31.

His letter of the 28th of February shows how, with these two telegrams refusing his leave in his possession (a refusal which covered the whole of the applications contained in his letter of the 20th February), he nevertheless left his station in anticipation of sanction, and asked for approval to his action. He reached Calcutta late on Friday, the 1st of March. I was then directed to ask the High Court on the 2nd of March whether they had given Mr. Pennell any leave to come to Calcutta, and whether it was their wish that he should remain in Calcutta or be ordered back to his station, Noakhali, which he had left without orders. The High Court replied that they had not given Mr. Pennell leave; that they did not wish that he should leave Noakhali at present for various reasons, one of them being that the record of the capital sentence case had not up to the 1st been received by the High Court; and that in their opinion he should be ordered to return to Noakhali at once. Thereupon Mr. Pennell was ordered, in my letter No. 1480A.B., dated the 3rd of March, to leave Calcutta at once and return to Noakhali. He did not obey those orders.

8. While Mr. Pennell was thus disobeying this Government in coming to Calcutta against orders and in not leaving when directed, he was engaged in a separate controversy with the High Court. The circumstances are set forth in the following letter, No. 600, of the 4th March, 1901, from Mr. R. Sheepshanks, the Officiating Registrar of the High Court, to my address:—

HIGH COURT.
ENGLISH DEPARTMENT.
Civil.
PRESENT:
The Full Court.

SIR,—I am directed by the Chief Justice and the Judges of this Court to request you to immediately lay the following matter before His Honour the Lieutenant-Governor.

2. From a Sessions statement submitted by Mr. A. P. Pennell, the Sessions Judge of Noakhali, it appeared that three persons, named Sadak Ali, Anwar Ali, and Aslam, had been convicted by Mr. Pennell on the 15th February last of murder under section 302 of the Indian Penal Code, one of whom, namely, Sadak Ali, had been sentenced to death. This morning the proceedings not having been submitted by Mr. Pennell under section 374 of the Code of Criminal Procedure, and the Criminal Bench having been informed by the Registrar that the record of the case is now in Calcutta, in the possession and custody of Mr. Pennell, the Judges sitting on the Criminal Bench issued an order that Mr. Pennell do make over and deliver the entire record forthwith to Mr. Sheepshanks, the Officiating Registrar, who was authorised by the order to receive the same.

3. I am directed to say that Mr. Sheepshanks, accompanied by Mr. Chapman, went to the Hotel Continental this morning to call upon Mr. Pennell to carry out the order of the Court. Mr. Sheepshanks and Mr. Chapman saw Mr Pennell at the Hotel at a quarter past 1 to-day, and Mr. Sheepshanks delivered to Mr. Pennell the proceeding directing him to deliver over the record in accordance with the order issued by the Criminal Bench. Mr. Pennell treated the proceeding with contempt, declined to reply to it, and did not hand over the record to Mr. Sheepshanks.

4. I am directed by the Chief Justice and the Judges of this Court, who are of opinion that Mr. Pennell's behaviour in this matter amounts to gross insubordination, and to misconduct within the terms of section 26 of the Code of Criminal Procedure, 1898, to recommend that the Local Government, in the exercise of the powers conferred upon it by the terms of the section, do immediately issue an order for Mr. Pennell's suspension, and to request that the Court may be at once informed of such orders as may be issued on this letter.

5. I am directed to recommend that an order issue also under section 26 of the Bengal, North-Western Provinces, and Assam Courts Act, 1887, suspending Mr Pennell from his office as District Judge.

Thereupon Mr. Pennell was by a Notification of the 4th March suspended from his office under section 26 of the Code of Criminal Procedure and section 26 of Act XII. of 1887. A copy of the High Court's letter and of the Notification was furnished to him, and at the same time it was pointed out to him that he had not obeyed the orders of the 3rd March directing his immediate return to Noakhali, and he was again directed to proceed there at once. These orders he again did not obey.

Annex No. 35.

9. Mr. Pennell then proceeded to Kurseong (although he had been twice ordered to return to Noakhali), and from there inquired whether it was in contemplation to frame any charges against him, and whether he would be

allowed to submit any explanation or to be heard in his defence. He was informed in reply, on the 13th of March, that this Government had at present no further information to communicate to him, and it was again pointed out to him that he had disobeyed orders.

10. Mr. Pennell then addressed you in his letter No. 2—Suspension, dated Calcutta, the 18th of March, which was forwarded to you under cover of my letter No. 2025A., dated 19th of March. It is within the knowledge of the Government of India that the Lieutenant-Governor then stated his opinion that the grounds on which the High Court had recommended Mr. Pennell's suspension amply justified the action which they recommended. At that time the Lieutenant-Governor was precluded from offering any further observations, as the Appeal case was then in the hands of the High Court, from whom His Honour expected to hear further in due course. Mr. Pennell was at once furnished with a copy of your letter No. 2691, dated the 20th of March, in which the Government of India declined to interfere with the orders passed by the Government of Bengal.

11. On the 23rd of March, Mr. Pennell addressed a memorial to the Secretary of State for India in Council through the Chief Secretary to this Government. A copy of this memorial will be found among the enclosures to this letter. As this memorial contained disrespectful and improper language, and, therefore, was inadmissible by the rules in force about the submission of memorials addressed to the Secretary of State for India, it was returned to Mr. Pennell for revision, if he thought fit, with my letter of the 2nd of April. The expressions which were open to objection were pointed out to him. A revised memorial was received from Mr. Pennell on the 30th of April, and has been laid before the Government of India with my separate letter No. 124A.—D. of this date. In this connection it may be mentioned that on the 21st of March, Mr. Pennell addressed a memorial to the Secretary of State, which appeared in the newspapers. The memorial of 23rd of March purports to be a copy of the memorial of the 21st of March. In the memorial of the later date, the word "surreptitiously" has been twice substituted for the word "privately" at the end of paragraph 6 of the memorial of the 21st March.

12. Mr. Pennell personally surrendered the record, containing his judgment of the 15th February, to the Registrar on the 6th of March, and the record being very voluminous, the printing was not finished until the 27th of March. When copies were delivered to the pleader for the appellant, Sadak Ali, the Easter holidays were then about to commence, and on the application of the pleader, the Appeal case was postponed and was taken up on the 10th of April, when the Court re-opened after the holidays. Judgment was delivered on the 17th of April. As no further communication had been received up to the 23rd April, I was directed to apply to the High Court for a copy of the judgments of the Criminal Bench, which had appeared in the newspapers. On the same date, the High Court furnished this Government with a copy of the judgments of the Criminal Bench (Mr. Justices Ameer Ali and Pratt) in the Appeal case, with special reference to the observations of those Honourable Judges upon the terms of Mr. Pennell's judgment. The High Court's letter went on to say that in their opinion the authority of the Court had been sufficiently vindicated, and Mr. Pennell sufficiently punished for his contumacy (*i.e.*, his insubordinate attitude towards the Court in refusing to hand over the record to the Registrar on the 4th March) by the suspension to which he had been already subjected on their recommendation.

Annex No. 41.

13. A copy of these judgments in Appeal as well as of the Paper-book, Part I. and Part II., of the Appeal, No. 173 of 1901, is enclosed for the information of the Government of India. In their judgments, the Criminal Bench discharged two of the accused, namely, Aslam and Anwar Ali, and ordered the retrial of the principal accused, Sadak Ali. The Government of India will observe the severe terms in which the Honourable Judges commented on Mr. Pennell's infringement of every canon of judicial decorum and judicial propriety, on his introduction into his judgment of irrelevant matters, on his

intemperate language, on his vituperation of the highest officials of the country and many others wholly unconnected with the case before him. No more severe remarks could be made by an Appellate Court than that the principal accused had not had a fair trial in the Court below, and that the Judge did not bring to the trial a calm and dispassionate mind. The Lieutenant-Governor has read these judgments of Mr. Pennell of the 15th of February and of the Criminal Bench of the High Court of the 17th of April with care and concern, and will further consider them later on.

14. It has been mentioned in paragraph 6 above that Mr. Reily, then District Superintendent of Police of Noakhali, was committed to jail on the 15th of February by Mr. Pennell. After a few days, he was released on bail by order of the High Court, and an application for the transfer of his case from Noakhali was lodged by him in the High Court. Subsequently, on the 27th of March, Mr. Reily's pleader stated to the High Court that it was no longer necessary to ask for a transfer of the case, but he applied for a postponement of all the proceedings in Mr. Reily's case, until the pending appeal in the murder case should be disposed of. His application was granted by the Court. After the appeal case had been disposed of, the rule for the transfer of Mr. Reily's case was discharged. The application on Mr. Reily's behalf to quash all the proceedings in his case came before the Criminal Bench on the 25th of April. In their judgment, delivered on the 26th April, a copy of which is enclosed, the High Court have acquitted Mr. Reily, holding that there is nothing in the evidence produced before Mr. Pennell in the trial of the murder case at Noakhali to support the charge on which Mr. Pennell committed Mr. Reily to jail. While the Judges censured Mr. Reily for an error of judgment in respect of a copy of a certain map, they held that in his proceedings Mr. Pennell did not maintain a judicial balance of mind, and they expressed the strongest disapproval of his illegal order in committing Mr. Reily to jail without the necessary preliminary enquiry.

15. Upon receipt of the judgments in the murder-appeal case the Lieutenant-Governor addressed the High Court. A copy of my letter, dated 27th of April is enclosed. The Lieutenant-Governor recapitulated to the High Court the several occasions—the Mymensingh case,* the Chapra case,† the Noakhali case, the case of Mr. Reily—in which Mr. Pennell has by his intemperate language and disregard of judicial canons drawn upon himself their official censure, both by letter and by reversion on appeal. His Honour expressed his opinion (based upon these cases) to the High Court that Mr. Pennell cannot be again placed in the office of Civil and Sessions Judge, and asked the Honourable Court whether they agreed with him. The Honourable Chief Justice and Judges of the High Court have in their letter No. 1164, dated 7th instant, expressed their opinion, upon the materials now before them, that Mr. Pennell has shown himself unfit to discharge judicial functions, and concurred with the Lieutenant-Governor that Mr. Pennell ought not again to be placed in the office of District and Sessions Judge.

* Annex No. 1.

† Annex No. 2.

16. The Lieutenant-Governor has been constrained, in the consideration of these judgments in the Noakhali case, to notice certain points, to which I am to invite the attention of the Government of India. But Mr. Pennell's judgment is of such great length and the inaccurate and unfounded assertions contained in it are so numerous that the Lieutenant-Governor cannot undertake to refer in this communication to more than a few of them.

Mr. Pennell contends in his judgment that he was transferred to Noakhali in consequence of his judgment in the Chapra case, and bases his argument on the circumstance that the transfer was subsequent to that judgment. The true facts are that his transfer to Noakhali had been settled long before the Government had heard of the Chapra case, and before the appeal had been preferred to him in that case. It was the outcome of correspondence which showed that he had allowed heavy arrears of Sessions cases to accumulate, and that it was hopeless to expect their early disposal while he held the Additional Judgeship of Saran-Champaran. The Government considered that he should be transferred to a lighter charge, and the light Judgeship of Noakhali was accordingly chosen. The Additional Judgeship of Saran-Champaran, it may be observed, was a temporary one, and it was necessary that the fullest possible assistance should be given to the District Judge while it lasted. The High Court were informed that another Additional Judge would be sent to Chapra as soon as an officer was available. Mr. Pennell was then in temporary charge of the District Judgeship, pending the return of Mr. R. H. Anderson from furlough. Subsequently Mr. Fisher was selected for the Additional Judgeship, and he was posted to it when relieved by Mr. Carstairs, for whom he had been acting in the Sonthal Parganas. Before, however, he became available, Mr. R. H. Anderson relieved Mr. Pennell of the District Judgeship, and the latter was, as a purely temporary measure until the arrival of his successor, kept on at Chapra as Additional Judge. Mr. Pennell, whose judgment in the Chapra case was delivered on the 7th October, argues that, as he despatched a copy of that judgment to the Government on the 8th October, and he was informed of his transfer to Noakhali on the 16th, the Government must have read the judgment before passing the order for his transfer. The Government had in fact no knowledge that he had delivered his judgment when his transfer was formally ordered ; and the order was gazetted on the 18th October—as soon as it could be. It is true that Mr. Pennell sent a copy of his judgment to the Government, but his letter was received in the Calcutta Office, and the Durga Puja holidays (from the 9th to the 20th October) having then commenced, it was not forwarded to Darjeeling, where the Government was, until the 28th October, and did not reach the Chief Secretary until the 31st October, that is, 15 days after Mr. Pennell was informed of his transfer to Noakhali. A copy of the judgment submitted, with a report, dated the 1st November, 1899, by the Commissioner did not reach the Chief Secretary until even later—on the 10th November. These dates are all to be found in the printed records of this Government. I am to add, in conclusion on this subject, that any idea of transferring Mr. Pennell to Noakhali on account of his judgment was never under the consideration, or in the mind, of the Government. Obviously, no notice whatever could have been taken of the judgment until a copy was before the Government. It was with surprise that the Government read the suggestion, first made in the public press, that the transfer was due to the judgment. The Government, while stating in reply to a question in the Bengal Council that this was not the reason of the transfer, refrained from mentioning the real cause of the transfer, solely out of consideration for Mr. Pennell. It was not thought proper to make public the fact that he had shown himself unequal to the work at Chapra.

The Lieutenant-Governor, however, informed Mr. Pennell, at Noakhali, in December, 1899, that his transfer had been arranged before the Chapra case. What His Honour then said to Mr. Pennell about his judgment generally was that, if Mr. Pennell had delivered his judgment with the calmness and sobriety expected from every Judge he would have carried the sympathies of every reader, but that the violence of his language had alienated much of the support he would otherwise have received. The fact that his transfer was due to the arrears of Sessions work was also subsequently communicated to Mr. Pennell in the letter from Private Secretary of the 12th June, 1900, which he has irrelevantly made an Exhibit (No. X 28) in the Noakhali case. While bringing this letter on the record, Mr. Pennell has kept back the letter to the Lieutenant-Governor of the 21st May, to which it was a reply, and a subsequent letter of his of the 15th June, in reply to the Private Secretary. I am to submit copies of these letters. It will be observed that in the letter to the Lieutenant-Governor, Mr. Pennell wrote:—"I am sincerely sorry for my misbehaviour in the past and am earnestly desirous of doing better in the future. I feel that my judgment in the case of Narsingh Singh not only merited the censure which the High Court has bestowed upon it, but that it was wanting in charity, and that much else in my conduct has been even less defensible," and that in acknowledging the Private Secretary's letter he said:—"I shall be much obliged if you will inform the Lieutenant-Governor that I am very sensible of His Honour's kindness, and will do my best to deserve it." These unreserved and spontaneous communications he repudiated in October with similar

Annexures Nos. 3 and 5.

suddenness and spontaneity, stating that he was ill when he wrote them; but it must be assumed that they were written deliberately and in full consciousness of their import. Notwithstanding this admission of misconduct in the past, promise of amendment in the future, and expression of indebtedness to the Lieutenant-Governor, Mr. Pennell has in his present judgment questioned the truth of the reason given for his transfer to Noakhali, and made those aspersions on the Lieutenant-Governor, other high officials, and even private individuals which form so large a portion of the judgment.

In this connection it is necessary to make clear that Mr. Pennell has no grievance whatever to excuse even irritation on his part. He was given privilege leave from Mymensingh (of the climate of which place he complained), when he had earned it after return from furlough, and he was posted to Chapra partly out of consideration for his health, because he desired a dry district. He was, again, told by the Chief Secretary in January last that he might have leave in the present year. As to his transfer to Noakhali, the reason of it was explained to him months ago; and as to his being kept there for some time he had no ground of complaint. He was liable to serve in that district as any other officer, Judicial or Executive, of the Civil Service, and, as he was told in the Private Secretary's letter of the 12th June last, the district is not in any sense an undesirable one. Other officers have served there for many years.

Any grievance which Mr. Pennell may believe that he has against the Local Government is thus entirely the off-spring of a mind diseased by suspicion; but the Lieutenant-Governor is constrained to the conclusion that he has been animated by even a worse feeling. It is impossible to read the slanders and insinuations of his judgment without the conviction that they have been inspired by malice. This conviction is supported by a perusal of the papers relating to his conduct in Burma, which are referred to in paragraph 21 below.

Page 143 of the Paper-book.
[Appendix, page 339.]

Page 8 of the Paper-book.
[Appendix, page 171.]

17. It has already been mentioned that Mr. Pennell put my letter of the 26th January to his address on the record of the murder case as an Exhibit, with the remark that "it may be an attempt on the part of the Executive authorities to intimidate me." The explanation given above that I, when writing on the 26th January, had no knowledge what case Mr. Pennell was trying at the time, is sufficient to refute Mr. Pennell's surmise, for which he had no justification. He similarly brought on the record on the 31st January, 1901, the Resolution of the Government of India on the case of Narsingh Singh, as if it had been delivered to him on that day. The Resolution was dated 18th April, 1900, and was forwarded to him on the 28th idem. The idea that the Executive Government have in any way endeavoured to interfere with, influence, or affect Mr. Pennell's judgment is an entire fiction of his imagination.

Page 9 of the Paper-book.
[Appendix, page 171.]

18. There would be no difficulty in extracting from Mr. Pennell's judgment of 15th February the objectionable passages in which he has introduced irrelevant matters entirely unconnected with the case, and has deliberately (for on the 4th February, 1901, he recorded that it was necessary that he should avoid any hasty expressions) traduced the highest authorities in the country and not hesitated to charge some of them with falsehood. The Lieutenant-Governor has no doubt that the Government of India will read these passages, as he has read them, with surprise and concern,—surprise that an officer of 15 years' service, a District and Sessions Judge, should be capable of recording them in judicial decisions,—concern at the pernicious example which, if allowed to pass unnoticed, would disorganize the entire administration of the province.

19. This is not the first time that Mr. Pennell's proceedings as a Judicial Officer have been severely censured by the High Court. I am to invite the

attention of the Government of India to the copy of the judgment of the High Court (J. O'Kinealy, J., and G. S. Henderson, J., dated the 1st July 1898) in the Mymensingh case of *Baroda Nath Bhattacharjee*, petitioner, *versus* Kerait Sheikh, in which the High Court set aside Mr. Pennell's order as without jurisdiction, and at the same time directed the Registrar to expunge all portions of the judgment of the Sessions Judge in regard to the conduct of Government and of the Magistrate and Deputy Magistrate. Also in connection with the Chapra case, to which Mr. Pennell has himself invited attention, the Registrar of the High Court was directed, on the 20th March 1900, to point out to Mr. Pennell that a Judicial Officer "is not warranted in making any imputation against the character of any person in the course of judicial proceedings unless some substantial ground arising out of the proceedings existed for his doing so. Still less is he justified in making a general imputation against a whole body of public servants at random and unnecessarily for the purposes of the case." Mr. Pennell was also informed of the Court's opinion that certain passages in his judgment in the case of Narsingh Singh were expressed in terms which the Judges regarded as intemperate and conspicuously wanting in that sense of dignity and self-restraint which ought to characterise all judicial utterances. He was then reminded of the Mymensingh case, and the Full Court expressed a hope that it would not be necessary for them to admonish him again on the subject.

Annex No. 1.

Annex No. 2.

20. It is thus apparent that, in spite of repeated warnings, Mr. Pennell is unable to resist the temptation of abusing his position as a Judicial Officer to introduce irrelevant matters into his judgments, to make improper imputations against individuals, and to indulge in intemperate language. In addition to these disqualifications, the High Court's judgment of 26th April in the case of Mr. Reily shows that Mr. Pennell deliberately sent to jail an officer of Government, without any legal justification for his action; that he did so with the deliberate intention of keeping him there for at least nine days without any preliminary enquiry or hearing, without, as the High Court find, any *primâ facie* case against Mr. Reily, without any adequate justification for the charge of perjury brought by himself against Mr. Reily, with less ground even for the charge of forgery, and with such an application of section 466, Indian Penal Code, to the case as to give colour to the suggestion that it was purposely used to deprive Mr. Reily of the right of bail. Mr. Pennell, it will be observed from the judgment of the High Court in the Mymensingh case, similarly assumed jurisdiction which he did not possess on a previous occasion. In that case he deliberately set aside an order of acquittal, against which an appeal lies only to the High Court at the instance of the Local Government. In paragraph 6 above it has been shown how Mr. Pennell acted when application for bail for Mr. Reily was made to him. Apart from all the disqualifications above enumerated, a Judge who can act deliberately in so illegal a manner shows himself to be unfit to occupy such a position. The Lieutenant-Governor has, therefore, on the evidence before him, come to the conclusion that Mr. Pennell is unfit not only to hold the position of District and Sessions Judge, but to exercise any judicial functions whatever. In this opinion he is corroborated by the opinion of the Honourable the Chief Justice and the Judges whom he consulted.

21. The Lieutenant-Governor has also examined the record of Mr. Pennell's services to see whether it would be possible to employ him in the Executive Branch of the Service. Mr. Pennell arrived in the country in November, 1886. He was employed as an Assistant Magistrate until he joined the Financial Department of the Government of India in March, 1889. Of his services in that Department the Lieutenant-Governor has no knowledge. Mr. Pennell served in Burma from 1889 till the end of 1894; and since that time he has been employed in a Judicial capacity in Bengal. On his return from Burma to Bengal, certain papers were received from the Chief Commissioner of that province, which show that Mr. Pennell, then a Settlement Officer, according to his own account, completely lost his temper with the Thugyi of the Mukyi Circle, tied his hands, and beat him with his riding whip. He subsequently

had the man arrested, himself imposed on him a fine of Rs. 200 on a charge of Contempt of Court, and consigned him to custody. The details are given in the enclosed papers. Mr. Pennell's conduct was declared to be wholly illegal and unjustifiable ; he was removed from the Settlement Department, ordered to pay compensation to the Thugyi, declared to be unfit for the charge of a district, reprimanded for his harsh treatment of a subordinate officer, and eventually suspended for insubordination for failure to comply with certain orders of the Chief Commissioner. The Lieutenant-Governor cannot employ in an Executive capacity an officer who is shown to have failed so entirely (though afforded more than one *locus penitentiæ*) as an Executive officer in Burma, and whose subsequent service in the Judicial Branch of the administration has exhibited only a development of those characteristics which caused his removal from the Executive Branch.

Annexures Nos. 46—50.

22. In both capacities, therefore, Mr. Pennell has shown himself to be an altogether unsatisfactory officer. Insubordination, disregard of all the accepted canons of official conduct, abuse of his official position and powers, sometimes bearing the strongest indications of malice, have charcterised his career. His recent insubordination to this Government in leaving Noakhali when distinctly forbidden to do so, and in not returning there when twice ordered to do so, was so marked that the Lieutenant-Governor would have been obliged to suspend him for his disregard of the orders conveyed in my letter, No. 1480A.B., dated the 3rd March, 1901, had not the High Court's letter, No. 600, dated the 4th March, called for Mr. Pennell's immediate suspension on the recommendation of the High Court. The Lieutenant-Governor has therefore been unable to remove the suspension which was originally imposed on that recommendation. Although the High Court expressed their opinion that by the period of suspension which he has undergone, Mr Pennell has been sufficiently punished for his insubordinate attitude to them, they did not ask for his restoration to a Judgeship (which would have been the logical consequence of the removal of the suspension), and they have since agreed with the Lieutenant-Governor as to Mr. Pennell's unfitness for the discharge of judicial functions. It is now impossible for the Lieutenant-Governor, in view of all the circumstances of Mr. Pennell's official history now put on record, to re-employ Mr. Pennell pending receipt of the orders of the Government of India on this report.

23. Before coming to his final recommendation as to the measures to be adopted towards Mr. Pennell, the Lieutenant-Governor has considered whether his conduct subsequent to the delivery of the judgment (which speaks for itself) can be regarded as in any way affecting the decision which should be taken in respect of Mr. Pennell. He has failed to find any extenuating circumstances or any redeeming points in his behaviour. Allusion has been made to Mr. Pennell's marked insubordination to Government. Mr. Pennell has taken the unusual step of forwarding a memorial direct to the Secretary of State, not only containing disrespectful and intemperate language, but also full of incorrect statements which can be separately refuted in detail whenever desired. He has evidently been communicating to certain newspapers official correspondence which they could not otherwise have obtained. He allowed himself, while under suspension, to receive at Noakhali (when it pleased him to return there for a few days) a public ovation, thereby lending himself to what was evidently intended to be a political demonstration. In short, he has continued the contumacious attitude which has signalized his relations to Government throughout these proceedings.

24. The conclusion at which the Lieutenant-Governor arrives is that Mr. Pennell is an officer so deluded by a morbid and sometimes malignant vanity, which has become the irreclaimable habit of his character, that he can no longer be employed to the advantage of Government in any judicial or executive post. Dismissal from the service of Government is, His Honour thinks, rightly reserved for cases of moral depravity, but, on a consideration of the whole of his official history, he is constrained to recommend that Mr. Pennell be removed from the public service, and retired on such a compassionate allowance as the Government of India may think right to grant

to him. He sees no reason to suggest a proportionate pension, which would be equivalent to an admission that that officer's service throughout has been of a satisfactory character.

I have, &c.,

(Signed) C. E. Buckland,
Offg. Chief Secy. to the Govt. of Bengal.

Annex No. 1.

IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

Criminal Revisional Jurisdiction.

The 1*st July*, 1898.

Present :

The Honourable Mr. Justice O'Kinealy and the Honourable Mr. Justice Henderson, two of the Judges of this Court.

Baroda Nath Bhattacharjee ... ... *Petitioner*,
versus
Kerait Sheikh ... ... *Opposite party.*

For petitioner—Mr. Hill and Babus Prosonno Gopal Roy and Dasarathi Sanyal.

In this case an application was made to this Court to exercise its revisional jurisdiction in regard to an order passed by the Sessions Judge of Mymensingh, dated the 4th May last.

The applicant was charged and acquitted before the Deputy Magistrate of that district of offences under sections 342, 347 and 384 of the Indian Penal Code. The complainant was not satisfied, but sought the interference of the Magistrate, who declined to refer the case to this Court. He then went to the Sessions Judge, and the Sessions Judge in a very long and elaborate proceeding, for it is not a judgment, decided that the proper course would be for the Government to appeal to this Court. But the Government would not appeal, and he thought there was no use in his sending the case up to this Court, because it would not be effectual. He, therefore, undertook himself to set aside the original order of acquittal passed by the Deputy Magistrate, and directed the applicant to be committed to the Sessions. That is of course a power which he does not possess, and the only order that we can pass in this matter is to direct that the order of the Sessions Judge be set aside as without jurisdiction.

The order therefore is set aside.

At the same time, we direct the Registrar to expunge all portions of the judgment of the Sessions Judge in regard to the conduct of the Government and of the Magistrate and Deputy Magistrate.

J. O'Kinealy.
G. Henderson.

Annex No. 2.

Letter from J. E. Phillimore, Esq., Officiating Registrar of the High Court of Judicature at Fort William in Bengal, Appellate Side; to A. P. Pennell, Esq., late Sessions Judge of Saran, Noakhali. No. 1,247, *dated Calcutta, the* 20*th March*, 1900.

HIGH COURT.
English Department.
[*Criminal.*]
Present :
The Full Court.

(1.) Sheonandan Singh and others (Appellants) *v.* Queen-Empress, decided 2nd October, 1899.

(2.) Narsingh Singh (Appellant) *v.* Queen-Empress, decided 7th October, 1899.

I am directed to say that the Court has had under its consideration the judgments delivered by you in the marginally-noted cases while you were officiating as Sessions Judge of Saran.

2. I am to direct your attention to the following passage which occurs in the first of those judgments: "The survey dispute on which the prosecution rely was apparently a dispute before a kanungo or similar authority, who for a few rupees would make out that black was white."

3. I am to point out that a Judicial officer is not warranted in making any imputation against the character of any person in the course of judicial proceedings, unless some substantial ground, arising out of the proceedings, existed for his doing so. Still less is he justified in making a general imputation against a whole body of public servants at random, and unnecessarily for the

purposes of the case, as was apparently done by you in the instance in question. Your remark was not directed against any particular officer or any particular instance of misconduct; it appears to have been casually suggested by a document which you had on formal grounds rejected as inadmissible in evidence.

4. With regard to the case of Narsingh Singh, I am to say that, assuming the substantial correctness of your findings on the facts, the Court is of opinion that certain passages in your judgment are expressed in terms which the Judges regard as intemperate and conspicuously wanting in that sense of dignity and self-restraint which ought to characterise all judicial utterances.

5. I am to remind you that the Court has on a previous occasion had to direct that certain portions of a judgment recorded by you should be expunged from the record as intemperate in expression, and containing imputations which the learned Judges who dealt with the case considered improper and uncalled for, and I am to express the hope that it will not be necessary for the Court to admonish you again on the subject.

Annex No. 3.

Letter from Mr. Pennell to Sir John Woodburn, dated Noakhali, the 21*st May*, 1900.

I AM painfully aware that my past conduct has not entitled me to any consideration on your part, and fear that you may think it a piece of presumption for me to address you at all. But I hope you will allow me to say that I am sincerely sorry for my misbehaviour in the past, and am earnestly desirous of doing better in future. I feel that my judgment in the case of Narsingh Singh not only merited the censure which the High Court has bestowed upon it, but that it was wanting in charity, and that much else in my conduct has been even less defensible.

I hope, Sir, that you will sympathize with my wish to extricate myself from the situation in which I am now placed. It can hardly be your wish that any one of your officers should be left altogether without hope, or should sink to the level of a confirmed bad bargain. The post which I am now holding is one in which no Civilian of anything like my standing would be kept for any length of time, except as a punishment; and as the greater part of the duties are of a kind assigned elsewhere to Subordinate-Judges, it is not possible for me to show by my work that I am fit for anything better. The strain upon me for several months past has been very great, and if I am kept here very much longer, I see only too much reason to fear that I shall *not* be fit for anything better.

That I have deserved punishment I cannot deny, but may I not, Sir, beg that you will not carry it beyond the point to which it is really necessary, and that if or when you are satisfied that I am not likely to offend again, you will give me a chance of retrieving my position?

Hoping that you will forgive me for intruding upon your time.

I am, &c.,
(Signed) A. PENNELL.

Annex No. 4.

Letter from Major Strachey to Mr. Pennell, dated Darjeeling, the 12*th June*, 1900.

THE Lieutenant-Governor desires me to acknowledge your letter of the 21st ultimo, and to express his regret that by an oversight it has not been answered earlier.

He is pleased to see that you now recognise that your judicial deliveries have been often wanting in dignity and impartiality, essentially, as you put it yourself, in charity, and he sincerely hopes that, as you say, the High Court will not have occasion to comment adversely upon them.

Your appointment to Noakhali was arranged, as the Lieutenant-Governor told you in December, long before he ever heard of the Chapra case. The arrears in Saran and Champaran had become so serious as to lead to correspondence with the High Court and to necessitate your appointment to a lighter charge.

The Collector of Noakhali has asked permission to return to the district on the expiry of his leave, and the Lieutenant-Governor cannot admit that the district is in any sense an undesirable one. One of your predecessors, Mr. Gun, remained there for many years at his own request. It would not be convenient to make any change at present, but the Lieutenant-Governor will bear your wishes in mind in the arrangements for next cold weather.

I am, &c.,
(Signed) J. STRACHEY.

Annex No. 5.

Letter from Mr. Pennell to Major Strachey, dated Noakhali, the 15th June, 1900.

I AM in receipt of your letter of the 12th instant, and shall be much obliged if you will inform the Lieutenant-Governor that I am very sensible of His Honour's kindness, and will do my best to deserve it.

I am, &c.,

(Signed) A. PENNELL.

Annex No. 6.

Letter from Mr. Pennell to Mr. Bourdillon, dated Noakhali, the 2nd December, 1900.

I WRITE to ask if there would be any objection to my taking casual leave, say three days, to go to Calcutta to meet my sister, who is due to arrive there on the 11th instant. My sister has never been in India before, and the journey here is not an easy one. I should esteem it a favour therefore if I could be given this leave.

The work in my Court I may say is well up to date. There are no Sessions cases pending, and as far as I can see my absence will cause no appreciable inconvenience to any one.

Yours, &c.,

(Signed) A. PENNELL.

Annex No. 7.

Letter from Mr. J. A. Bourdillon to Mr. Pennell, dated Calcutta, the 5th December, 1900.

THERE is no objection to your having three days' casual leave to Calcutta to meet your sister.

Yours, &c.,

(Signed) J. A. BOURDILLON.

Annex No. 8.

Letter from Mr. Pennell to Mr. Bourdillon, dated Calcutta, the 12th December, 1900.

I FIND on arriving at Calcutta that my sister's steamer, the *Parramatta*, instead of arriving yesterday as advertised, will not be in till to-morrow morning. Under these circumstances, I am constrained to ask you for casual leave till the end of this week. I might with a rush get to Noakhali in time for work on Saturday, but think myself that it is not worth while trying to do so.

Yours, &c.,

(Signed) A. PENNELL.

Annex No. 9.

Letter from Mr. Bourdillon to Mr. Pennell, dated Calcutta, the 12th December, 1900.

CERTAINLY stay as you propose.

Yours, &c.,

(Signed) J. A. BOURDILLON.

Annex No. 10.

Letter from Mr. E. P. Chapman to Mr. Pennell, dated Calcutta, the 25th December, 1900.

THE Judges are informed that you obtained leave from the Chief Secretary to come to Calcutta for the 12th December last: you were to have returned to your station on the 15th, and the Chief Secretary understood that you did so. The Judges desire to know when you left Calcutta and upon what date you returned here, and also from whom you obtained leave to quit your station again, or to remain on in Calcutta, if you did so. I am to ask for an early reply.

Yours, &c.,
(Signed) E. P. CHAPMAN.

Annex No. 11.

Letter from Mr. Pennell to Mr. Chapman, dated Hotel Continental, Calcutta, the 26th December, 1900.

I AM in receipt of your demi-official of yesterday's date. I obtained three days' casual leave from the Chief Secretary to meet my sister, who was due to arrive in Calcutta on the 11th instant. As her steamer was late, I was obliged to apply for casual leave for the rest of the week, which was granted. I left Calcutta on the 15th instant (a day earlier than I need have done) for Noakhali. I returned to Calcutta on the night of the 23rd instant. I did not obtain leave from any one to do so, as I did not consider it necessary. I have hitherto been under the impression that, except for the Pujas, it is not necessary for a Judge to obtain leave to absent himself from his station during authorized holidays, and this impression was confirmed by the result of some correspondence which I had with you in July, 1899, and to which I would solicit a reference. I may add that I came to Calcutta similarly for the Christmas holidays in 1898 and 1899, but no questions were asked about it, and it is my belief that a great many other Judges are at present in Calcutta without any other authorization than exists in my case.

As the Courts are closed, I could not work even if I were at Noakhali, but I may say that, even apart from that, the state of my file is not such as to necessitate my remaining at Noakhali. I would solicit a reference to the returns for the September quarter, which will show that the work is well up to date. I may also add that with one trifling exception not a single order of mine has been reversed or modified by the High Court during the whole time I have been at Noakhali. I would submit that neither the quantity nor the quality of my work has been such as to call for any specially rigorous treatment on the part of the Court. And I would point out that it would be particularly hard if I were denied the indulgence (if it be an indulgence) of coming to Calcutta this Christmas, as I have my sister with me and would like her to see the gaieties which go on here at this season. It is true that I have recently had casual leave, but it was for a domestic reason, and it is the first time in more than 14 years' service that I have ever asked for leave for such a reason. It may perhaps be the belief of the Judges that I remained on in Calcutta after the 15th. I have already stated that this is not so. If such an erroneous impression led to your letter, the Judges will not perhaps be offended at the request which I now make. It is my intention to apply to the Chief Secretary for casual leave for the 2nd January to enable me to attend Mr. S. C. Mukherji's wedding, which is fixed for the 1st instant, and I should be obliged if the Hon'ble Judges will intimate that they have no objection to my having it.

Yours, &c.,
(Signed) A. PENNELL.

P.S.—I enclose copies of the correspondence between myself and the Chief Secretary with reference to my casual leave.

A. P. P.

Annex No. 12.

Telegram from Mr. Pennell, Birbhum, to High Court, Calcutta, dated the 29th December, 1900.

SOLICIT that orders on my demi-official may be sent to Hotel Continental to await my arrival to-morrow.

Annex No. 13.

Letter from Mr. Pennell to Mr. Buckland, C.I.E., dated Hotel Continental, Calcutta, the 31st December, 1900.

I WRITE to ask if I may have casual leave for the 2nd January. I want to attend the wedding of Mr. S. C. Mukherji, whom I have known from a boy, on the 1st January ; and as there is only one mail to Chandpur, which leaves very early in the morning, I cannot do this without exceeding the authorised holidays.

Yours, &c.,
(Signed) A. PENNELL.

Annex No. 14.

Letter from Mr. Buckland to Mr. Pennell, dated Calcutta, the 31st December, 1900.

Your letter of to-day just received asking for casual leave for the 2nd January.

Please let me know why you have not applied before. To be back for your work on the 2nd, I suppose you would have to start by the very early train on the 1st, and at present I do not understand why you should have put off till the afternoon of the 31st December to ask for casual leave for the 2nd January. Have you only just received an invitation, or did you not intend until this afternoon to ask for it ?

Also please let me know if you start from here on the early morning of the 2nd, at what time ought you to reach Noakhali ? Shall you be in time to hold Court on the 3rd, and for how long ?

Yours, &c.,

(Signed) C. E. **Buckland.**

Annex No. 15.

Letter from Mr. Pennell to Mr. Buckland, C.I.E., dated Hotel Continental, Calcutta, the 31st December, 1900.

The enclosed correspondence which has passed between myself and the High Court will show how it is I have not applied for casual leave for the 2nd January before. The expression " The Judges " denotes Mr. Justice Rampini only. Mr. Ghose, who is a member of the English Committee, expressed to me great surprise at Mr. Rampini's action. Mr. Rampini has not replied either to my letter or telegram. I cannot compel him to reply. He has against me a private grudge of long standing in connection with a syndicate into which he entered for promoting a tea company.

(2.) I have all along intended to apply for the casual leave. I received invitations, both formal and informal, long ago. I am an intimate friend of the bridegroom and his uncle, Mr. P. L. Roy, and have known the bride's people for years.

(3.) If I start from here on the early morning (5h. 7 a.m.) of the 2nd, I reach Feni at 1.58 a.m. on the 3rd. Starting from there at dawn, I reach Noakhali at, say, 10.30 a.m. on the 3rd, in time to hold Court on that day for as long as most Judicial officers sit. I am sorry to have given *you* so much trouble in the matter, but you will see it is not my fault

Yours, &c.,

(Signed) A. **Pennell.**

Annex No. 16.

Letter from Mr. Buckland to Mr. Pennell, dated Calcutta, the 1st January, 1901.

In reply to your second letter of yesterday, you may have casual leave for the 2nd, *i.e.*, you may remain in Calcutta for Mukherji's wedding on the 1st, and I must ask you to leave Calcutta by the early morning train of 2nd, so as to be back at Noakhali for Court on the 3rd.

I return your letters.

Yours, &c.,

(Signed) C. E. **Buckland.**

Annex No. 17.

Letter from Mr. Pennell to Mr. Buckland, C.I.E., dated Noakhali, the 3rd January, 1901.

In order to save you the trouble of having to communicate with me again upon the subject, I write to say that I reached Noakhali at 10.4 a.m., Calcutta time, and that I am now (12 noon, Calcutta time—11.27 Railway time) in Court. As it so happened, I walked to Court with the Collector, so that we both attended office almost simultaneously.

I may perhaps, be permitted to add that the mail steamer of the 1st grounded, and in consequence, the passengers for places beyond Chandpur had to proceed by the same train as myself. Even, therefore, if I had not been allowed casual leave for the 2nd instant, I could not have got to Noakhali any sooner. I have received no reply to my letter or telegram to High Court.

Again apologising for giving you so much trouble.

Yours, &c.,

(Signed) A. PENNELL.

Annex No. 18.

Letter from Mr. Buckland to Mr. Pennell, dated Calcutta, the 26th January, 1901.

I OUGHT to have written to you before about a passage in a letter of yours, dated the 31st December, to me, but it escaped my notice (after I gave you the leave you wanted), and has only just now turned up again.

You wrote : " Mr. Rampini has not replied either to my letter or telegram. I cannot compel him to reply. He has against me a private grudge of long standing in connection with a syndicate into which he entered for promoting a tea company."

This is an imputation of motive which ought not to be made against any one, and certainly not against a Judge of the High Court, as a reason for his dealing with an official matter in a particular way. Before taking any action on the subject, I think it right to give you an opportunity of withdrawing this passage, if you desire to do so. If you prefer to let it stand, it will be my duty to bring it to Mr. Rampini's notice.

Please at the same time forward to me a copy of the letter and telegram referred to in this passage of your letter of 31st December.

Yours, &c.,

(Signed) C. E. BUCKLAND.

Annex No. 19.

Telegram dated the 29th January, 1901, *from Sessions Judge, Noakhali, to Chief Secretary, Calcutta.*

PLEASE wire whether your demi-official of 26th was written by order of Government.

Annex No. 20.

Telegram from Sessions Judge, Noakhali, to Chief Secretary, Calcutta, dated the 31st January, 1901.

PLEASE wire whether you have received my telegram of 29th concerning your demi-official of 26th.

Annex No. 21.

Circular No. 1A., from Mr. Buckland, C.I.E., Officiating Chief Secretary to the Government of Bengal, to all District and Sessions Judges and Additional District and Sessions Judges and the Judicial Commissioner of Chota Nagpur, dated Calcutta, the 14th February, 1901.

AS it has come to the Lieutenant-Governor's notice that doubts exist as to the proper course to be adopted by District and Sessions Judges and Additional Judges who may desire to be allowed what is termed casual leave (*i.e.*, leave not granted under the Articles of the Civil Service Regulations, and not reported to the Accountant-General), so that the practice varies and irregularities have occurred, I am directed to inform you that His Honour is pleased, with the approval of the Honourable Judges of the High Court, to lay down the following rules which have been framed, *mutatis mutandis*, in accordance with the orders in force in the Executive branch of the Government service, as follows :—

(1) Casual leave can only be allowed consistently with the requirements of the public service.

(2) Casual leave not exceeding ten days, inclusive of any gazetted holidays falling within the period of absence, may be granted by Government on application to the Chief Secretary.

(3) An application to the Chief Secretary must be made in time for an answer by post to reach the applicant before he proposes to leave his station.

(4) A Judicial Commissioner or District Judge or Additional Judge is not allowed to be absent from his station on or before or after a gazetted holiday, unless he has obtained permission from the Chief Secretary before he leaves it.

Annex No. 22.

IN THE COURT OF THE SESSIONS JUDGE OF NOAKHALI.

PROCEEDINGS UNDER SECTION 477 OF THE CRIMINAL PROCEDURE CODE.

EMPEROR *versus* REILY.

IN the course of the Sessions trial of Empress *versus* Sadak Ali and three others decided yesterday, I came to the opinion, for reasons stated in my judgment then delivered, that Mr. W. Y. Reily, Superintendent of Police of this district, has committed offences under sections 193, 466 and 471 of the Indian Penal Code, and that it is my duty to hold an enquiry preliminary to committing him to the High Court to be tried for those offences.

Mr. Reily was yesterday arrested and committed to jail; there was then no time, owing to the lateness of the hour, to draw up this formal proceeding. He will be produced before me, as directed in the warrant on the 25th February, when evidence will be taken.

(Signed) A. PENNELL,
Sessions Judge.

The 16*th February*, 1901.

Memo. by Mr. Pennell, Sessions Judge, Noakhali, No. 57, *dated Noakhali, the* 16*th February*, 1901

COPY forwarded to the District Magistrate of Noakhali for information.

Annex No. 23.

EMPEROR *versus* REILY.

THE accused was arrested yesterday as per order (No. 25, dated 15th February, 1901), recorded in Sessions trial No. 1 of 1901. Formal proceeding was not drawn then owing to the lateness of the hour, but all necessary information was given in the judgment delivered in open Court, the reading of which lasted till past 6 p.m.

This day formal proceeding has been recorded. The case is fixed for enquiry on the 25th February. Direct the District Magistrate to instruct the Government Pleader to appear for the Crown and to summon Babu Ishan Chandra Sen, Babu Chandra Mohan Roy (who sat as Assessors during the trial and visited the spot), Babu R. K. Aich, Mr. J. A. Ezechiel, Joint Magistrate of Mymensingh, and Mr. R. A. D. Bignell, Deputy Inspector-General of Police. The Government Pleader can in due course apply for process against any other witnesses.

(Signed) A. PENNELL,
Sessions Judge.

The 16*th February*, 1901.

Memo. by Mr. Pennell, Sessions Judge, Noakhali, No. 58, *dated Noakhali, the* 16*th February*, 1901.

COPY forwarded to the District Magistrate of Noakhali for information and guidance.

The Government Pleader should be instructed and the witnesses named in the order should be summoned.

Annex No. 24.

IN THE COURT OF THE SESSIONS JUDGE OF NOAKHALI.

Order passed on the application of W. Y. Reily, praying for bail.

THIS application was handed to me about 6 P.M. yesterday, but I declined to take it then. When I was leaving Court yesterday a disgraceful incident occurred. Mr. Cargill, the District Magistrate, accompanied by his wife, waylaid me and attempted to procure Mr. Reily's release on bail. District Magistrate is the nominal prosecutor. Mr. Cargill's procedure during this trial has been so outrageous that I had to send the Government Pleader to him to inform him that if he did not desist, I should have to punish him summarily under section 228, Indian Penal Code. This morning he has sent me a letter (No. 347, dated 16th February, 1901), intimating that Mr. Reily has been suspended. He has not, however, intimated that Osman Ali, the Sub-Inspector of the Sadar thana, has been suspended, or that any action has been taken against other police officers concerned. The Government Pleader states that he has been instructed by the District Magistrate to inform me that the District Magistrate has received a telegram from Government suspending Mr. Reily. The reason of the extraordinary solicitude of the Crown on behalf of Mr. Reily does not appear. I have noted in my judgment that the Executive authorities have endeavoured to intimidate me with a view to preventing proceedings against Mr. Reily. The fact is that they are all bent on screening their subordinate.

I think it unsafe to release Mr. Reily on bail, whether suspended or not, so long as Mr. Cargill remains in charge of the District or Osman Ali (in whose hands Mr. Reily is a mere tool) in charge of the thana in which I am living and holding Court, and in which most of his witnssses and Mr. Reily are living. There has been too much intimidation by the Executive already.

One of the sections under which Mr. Reily is charged is non-bailable : it is a matter of judicial discretion whether I should grant bail.

In the exercise of that discretion, I decline to grant bail until the Executive administration of this district is in other hands.

(Signed) A. PENNELL,
Sessions Judge.

The 16th February 1901.

Annex No. 25.

19th February 1901.—The Government Pleader files a petition for copy of the order rejecting Mr. Reily's application for bail. He is unable to say why the District Magistrate wants this copy. In the absence of such information, I must decline to supply it. The District Magistrate is in theory the prosecutor, and cannot be allowed to conduct the defence as well.

The Government Pleader also states verbally that he has been directed by the District Magistrate to apply for copies of all papers in which he is named. Mr. Cargill is at liberty to apply for these copies in his private capacity, or to assist the defence in his private capacity ; but I cannot allow him to use his official position for the latter purpose. My comments upon him in the judgment are practically to the effect that he has abused his official position for his private purposes. I have censured, not the District Magistrate, but Mr. Cargill. If Mr. Cargill wants copies of my censures, or of the judgment for his private purpose, he must apply for them as a private person, and pay the usual cost, and if he makes the application through a pleader, that pleader must file a vakalatnama from Mr. Cargill himself. Let the District Magistrate be informed accordingly.

(Signed) A. PENNELL,
Sessions Judge.

Annex No. 26.

Letter from Mr. Pennell, District Judge of Noakhali, to The Chief Secretary to the Government of Bengal, No. 372, *dated Noakhali, the* 20*th February* 1901.

WITH reference to your Circular No. 1A, dated 14th February 1901, I have the honour to request that I may be granted casual leave for the period from 1st to 5th March, inclusive, of this period. The 1st and 2nd March are Census days, and I have been directed to suspend work on them ; the 3rd March is a Sunday ; the 5th March is an Executive as well as a Civil Court holiday, and only the 4th March is a working day.

2. I may be allowed to submit that I have been hard at work continuously, Sundays and all holidays included, ever since my return from Calcutta after the New Year.

3. If you are not, however, disposed to grant me this five days' casual leave, I request that under rule 4 you will give me permission to be absent from my station on the first three days of March.

Annex No. 27.

Letter from Mr. Pennell to Mr. Buckland, dated Noakhali, the 22*nd February* 1901.

I WRITE this to invite your attention to the fact that I have applied officially (by a letter No. 372, dated 20th instant) for casual leave for the period from 1st to 5th March, and to ask for early orders thereon. If they have not issued already, I should be obliged if you would send them to me by wire. I know there is sometimes delay in putting up official letters, so I am now sending this. It did not occur to me on the 20th.

Yours, &c.,

(Signed) A. PENNELL.

Annex No. 28.

Letter from Mr. Pennell to Mr. Buckland, dated Noakhali, the 22nd February 1901.

I HAVE not replied to your demi-official letter of 26th January before, because I thought it desirable to give you an opportunity of stating that that letter was not written under orders of Government. As, however, you have not answered my telegrams, and it is for you and not for me to decide whether to answer them or not, you leave me no option but to comply with what I must take to be the discretion contained in that demi-official letter.

I therefore enclose copies of the letter and telegram referred to in the passage which you quote of my letter to you of the 31st December.

Yours sincerely,

(Signed) A. PENNELL.

Annex No. 29.

Letter from Mr. Buckland to Mr. Pennell, dated Calcutta, the 26th February 1901.

THANK you for the papers received with your letter of the 22nd February. I do not find among them any letter or telegram to Mr. Justice Rampini. In your letter of 31st December 1900, to me, you wrote: "Mr. Rampini has not replied either to my letter or telegram. I cannot compel him to reply." In my letter to you of the 26th January, I asked accordingly for a copy of the letter and telegram to Mr. Rampini referred to in this passage. The correspondence you have sent me was with Chapman, Bourdillon, and the "High Court;" no mention of Mr. Rampini. Please send me a copy of the letter and telegram to Mr. Rampini, or let me know if there were none.

I have again laid the papers before the Lieutenant-Governor, and I am to point out to you that in your letter of the 22nd February, you do not say whether you withdraw the passage quoted in the margin which, in my letter of the 26th January, I gave you an opportunity of withdrawing. Would you kindly let me have a line to say clearly whether you prefer to withdraw it or to let it stand?

"He (Mr. Rampini) has against me a private grudge of long standing in connection with a syndicate into which he entered for promoting a tea company."

Yours, &c.,

(Signed) C. E. BUCKLAND.

Annex No. 30.

Telegram from Chief Secretary, Calcutta, to Mr. Pennell, Noakhali, dated the 27th February 1901.

YOUR application for casual leave was referred to the High Court, who consider that it should not be granted at present. The leave cannot therefore be granted.

Annex No. 31.

Letter from Mr. Pennell, District Judge of Noakhali, to the Chief Secretary to the Government of Bengal, No. 424, *dated Noakhali, the 28th February* 1901.

I HAVE the honour to inform you that I have received no reply by post to my letter No. 372, dated the 20th February, concerning my proposed absence from my station, although that letter would in the ordinary course have been delivered in Calcutta early in the morning of the 22nd February. I have, however, received yesterday two urgent telegrams couched in almost identical terms and sent off from different telegraph offices within three hours of each other. These telegrams refuse the first of my prayers, but contain no orders on the second (contained in paragraph 3 of my letter). I have no time to communicate with you further, so am leaving for Calcutta for the three days in anticipation of sanction. I am of opinion that when I get there the High Court may perhaps think that the time for granting my first prayer has arrived.

2. I may point out that this is only a third class telegraphic station, and that an urgent telegram directing the release of an undertrial prisoner on bail, despatched by the Registrar of the High Court on the evening of the 20th, was not received here till 7 a.m. on the 21st, so that it appears useless for me to wire to you. Moreover, from the fact of your sending the same telegram twice, I think that probably you may have something of more importance occupying your thoughts, and I do not wish to give unnecessary trouble.

3. I may further add that I am in bad health owing to the strain referred to in paragraph 2 of my former letter, and that Dr. Charles's letter of 17th June last, of which a copy is enclosed, shows that in his opinion a river trip is just the thing for me; while, as I have been forbidden to do any work on account of the census, my absence cannot possibly harm any one, especially as I have empowered the District Magistrate to grant bail. Moreover, I intend to combine business with pleasure by taking with me to Calcutta and making over to the High Court personally the record of the case of Empress *versus* Sadak Ali and others, which contains many exhibits which in my opinion are of great importance. In case His Honour may not have heard of this case, I take the liberty of enclosing a copy, certified by my Senior Munsif, of one of the exhibits (demi-official letter from Major Strachey, dated 12th June, 1900, and marked Exhibit X-28). I think it important that this and some other exhibits should be photographed properly before they pass out of my hands; and I am not sure how the snapshots I have already had taken by an amateur will turn out.

4. Under these circumstances I trust that my conduct in anticipating formal sanction may be approved.

Annex No. 32.

Letter from Mr. Pennell to Mr. Buckland, dated Hotel Continental, Calcutta, the 2nd March 1901.

I WRITE to acknowledge your demi-official letter of 26th February concerning Mr. Rampini, and to request that Sir John Woodburn may be informed that I do not propose sending any further reply to that letter.

Yours, &c.,

(Signed) A. PENNELL.

Annex No. 33.

Letter from Mr. Buckland, C.I.E., Officiating Chief Secretary to the Government of Bengal, to the District Judge of Noakhali, No. 1480 *A.B., dated Calcutta, the 3rd March* 1901.

I AM directed to acknowledge the receipt of your letter No. 424, dated the 28th February 1901 (which reached me on the 2nd March). You had received my telegram of the 27th February, in which the Lieutenant-Governor, after reference to the High Court, had refused you the casual leave for which you had applied. You intimated that you had nevertheless left Noakhali for Calcutta in anticipation of sanction. The Lieutenant-Governor referred your letter to the Honourable Judges, and enquired whether it was their wish that you should remain in Calcutta. He has been informed that—

(*a*) it is not the wish of the High Court that you should stay in Calcutta; and

(*b*) that in the opinion of the High Court you should be ordered to return to Noakhali at once.

2. I am to convey to you the Lieutenant-Governor's order that you leave Calcutta at once and return to your station, Noakhali. I am to request that you will be so good as to report to me the exact day and time at which you leave Calcutta and arrive at Noakhali.

Annex No. 34.

Letter from Mr. Buckland, C.I.E., Officiating Chief Secretary to the Government of Bengal, to the District and Sessions Judge of Noakhali, No. 1481 *A.B., dated Calcutta, the 4th March* 1901.

IN continuation of my letter No. 1480 A.B., dated the 3rd March 1901, I am directed by the Lieutenant-Governor to enclose for your information a copy of a letter No. 600, dated the 4th March 1901, from the Officiating Registrar of the High Court, and of a Notification No. 1482 A.B., of the same date, suspending you from your office of District and Sessions Judge of Noakhali.

2. It appears from the enclosed letter that you have not yet obeyed the order communicated to you in my letter No. 1480 A.B., of the 3rd March 1901, directing your immediate return to Noakhali. You will proceed there at once, and await at Noakhali any further orders.

Annex No. 35.

Notification—By the Government of Bengal, Judicial Department, No. 1482 A.B., dated Calcutta, the 4th March 1901.

On the recommendation of the Hon'ble the Chief Justice and Judges of the High Court, Mr. A. P. Pennell, District and Sessions Judge of Noakhali, is suspended from his office under section 26 of the Code of Criminal Procedure, and also under section 26 of Act XII. of 1887, the Bengal, North-Western Provinces and Assam Civil Courts Act.

Annex No. 36.

Letter from Mr. Pennell, Suspended Civil Servant, to The Chief Secretary to the Government of Bengal. No. 1*—Suspension, dated Clarendon Hotel, Kurseong, the* 11*th March* 1901.

With reference to your letter No. 1481 A.B., dated 4th March 1901, enclosing copy of Notification of the same date placing me under suspension, I have the honour to state that my address for the present will be Clarendon Hotel, Kurseong, and to request that the further orders mentioned in your letter may be sent there, or to such other address as I may hereafter indicate.

2. I have also to request that if there be no objection, I may be informed whether it is in contemplation to frame any charges against me, and whether I shall be allowed to submit any explanation or to be heard in my defence.

3. The favour of an early reply is solicited.

Annex No. 37.

Letter from Mr. Buckland, C.I.E., Offg. Chief Secy. to the Govt. of Bengal, to Mr. Pennell. No. 1872 *A., dated Calcutta, the* 13*th March* 1901.

I am directed to acknowledge the receipt of your letter No. 1—Suspension, dated the 11th March 1901, from which it appears you have again disobeyed orders.

2. With regard to the second paragraph of your letter under acknowledgment, I am to say that the Government have at present no further information to communicate to you.

Annex No. 38.

Letter from Mr. Pennell, Suspended Civil Servant, to The Secretary of State for India in Council. (Through the Chief Secretary to the Government of Bengal.) No. 3*—Suspension, dated Purnea, the* 23*rd March* 1901.

I have the honour to state that I am a member of the Covenanted Civil Service of India of 15½ years' standing, and that I was till recently District and Sessions Judge of Noakhali in the Lower Provinces of Bengal.

2. In my capacity as such I delivered on the 15th February last a judgment in a murder case in which I deemed it necessary to direct the prosecution for forgery and perjury of a European (or Eurasian) District Superintendent of Police named Reily; and as the Local Government had endeavoured during the pendency of this case to intimidate me, with a view to prevent my directing this prosecution, I thought it necessary to expose in my judgment the attempt made by Sir John Woodburn, the Lieutenant-Governor of Bengal, and by Lord Curzon of Kedleston, the Governor-General, to burke the case commonly known as the Chapra case, which formed the subject of certain questions by Lord Stanley of Alderley in the House of Lords on 14th May last. I also took occasion to denounce the sycophancy of the higher judiciary in this country, which alone renders such attempts on the part of the Executive authorities possible.

3. Mr. Reily was committed to jail on the 15th February. The Local Government applied to me on the 16th February to release him on bail, although the Crown is the nominal prosecutor, and although it was the case for the Crown in the murder trial that Mr. Reily was guilty of the crimes laid to his charge. This attempt failing, the Chief Justice of Bengal, Sir Francis Maclean, wired to me the following morning (a Sunday) through the Registrar of the High Court, enquiring why Mr. Reily's application for bail was refused, and urging me to carefully reconsider my order. Neither the Chief Justice nor the High Court had at that time been moved judicially on behalf of Mr. Reily, and I am confident that your Lordship's legal advisers will assure you that Sir Francis Maclean's action in sending me the telegram was an illegality of so flagrant a nature as to justify his being disbarred. I refused to do what Sir Francis Maclean wished, and the consequence was that Mr. Reily remained in jail till the 21st February, when he was released under telegraphic orders of the High Court.

4. On the 28th February, I left Noakhali for Calcutta with the records of the murder case, which contained numerous important exhibits vitally affecting the Lieutenant-Governor, and which, for that reason, I wished to make over to the High Court myself to secure that it should not be tampered with. Sir John Woodburn was so anxious that I should not do this that he sent two urgent telegrams within two hours of each other ordering me to remain in Noakhali, although the Courts were closed on account of the Census, and I could do nothing there. His anxiety only confirmed me in the belief that the course I was taking was necessary in the interests of justice, and I therefore proceeded to Calcutta with the record in spite of his telegrams, arriving on the night of the 1st March.

5. Till the morning of the 28th February, the record, a most voluminous one, had been in the Copying Department of my office, being copied for the accused and others entitled to copies. It was neither made up nor indexed, and to make it up would be a work of some days. Moreover, one of the accused had been sentenced to death, and under the Indian law it is necessary that when a Sessions Judge passes sentence of death, he should submit his proceedings with a letter of reference for the High Court's confirmation. No such letter has ever been written.

6. On the 2nd March my clerks and myself were engaged in making up the record. On the 3rd March, a Sunday, Sir Francis Maclean made a daring attempt to possess himself of the record extrajudicially. He sent a Mr. Chapman to my hotel to get it from me. This Mr. Chapman was then a private individual, but he had not long ceased to be Registrar of the High Court and it was not known to most people, and Sir Francis Maclean may have thought that it was not known to me that he was no longer Registrar. Your legal advisers will tell you that Sir Francis Maclean or the Chief Justice of Bengal (if it be assumed that he was acting officially) has no power to send for records in this way, and that his action was both illegal and improper. Mr. Chapman showed me an autograph letter from Sir Francis Maclean to himself directing him to get the record from me, but he would not give me the letter, or let me take a copy, and said he was not supposed to show it to me. He also admitted that he was no longer Registrar. As I raised objections to the informality of the whole proceeding, Mr. Chapman suggested (this was not in the letter) that if I could not trust him, I should make over the record to the Chief Justice himself. I thereupon showed him some of the more important exhibits, and said that before giving him any final answer, I would consult Mr. P. L. Roy, a leading Barrister of Calcutta, who is an intimate friend of mine. Mr. Chapman then went away. I myself went to see Mr. Roy, who advised me to go to Sir Francis Maclean's house, and make over the record to him there. I accordingly went with my clerks and the records to Sir Francis Maclean's but the latter, after keeping me waiting for a long time, sent me a note in the third person to the effect that the "Chief Justice of Bengal is unable to see Mr. Pennell, and desires that any communication which the latter may wish to make should be made to him through the Registrar of the High Court." My submission is that although Sir Francis Maclean wanted to get hold of the record surreptitiously, he did not want his getting hold of it surreptitiously to be known.

7. On the evening of the following day (4th March), I was suspended from my office by the Local Government by letter No. 1481 A.B. (copy annexed) "on the recommendation of the Hon'ble the Chief Justice and Judges of the High Court." It will be seen that no charges were framed against me, that I was not asked to furnish any explanation, and that no limit to the period of my suspension is indicated.

8. On the 11th March I addressed to the Chief Secretary to the Local Government a letter (No. I.—Suspension), of which a copy is annexed, enquiring whether it was in contemplation to frame any charges against me, and whether I should be allowed to submit any explanation or to be heard in my defence.

9. In reply, the Local Government informed me in their Chief Secretary's letter No. 1872 A., dated 13th March (copy annexed), that they have at present no further information to communicate to me.

10. I represented these facts to the Government of India in a letter (No. 2—Suspension), of the 18th March, of which a copy is annexed, and asked that Government might be pleased to direct the Local Government either to reinstate me without delay or to inform me what the charges against me are and to give me reasonable facilities for defending myself against such charges. I also asked that if the Government of India intended to reply at all, the reply might be sent me not later than 2 P.M. to day, so that I might, if necessary, communicate with you by this week's mail.

11. I have received no reply. Lord Curzon as well as Sir John Woodburn is implicated in my judgment, and I do not expect any justice from the authorities in this country. I therefore represent these facts for your information, and pray that you will be pleased to direct that I be at once reinstated, and that substantial amends be made to me for the way in which I have been treated for trying to do my duty as a Judge according to my lights.

12. I further beg that your Lordship will be pleased to communicate your orders by telegram to the local authorities, as unless I obtain satisfactory redress within 10 days of the time when the Calcutta mail of the 21st March is delivered in London, it is my intention to proceed to England without further delay, there to lay my grievances before the King in Parliament, and in particular before that House of Commons which represents people like myself.

13. A copy of this letter has been sent to you direct to save time. It is accompanied by the enclosures specified below :—

Enclosures.

1. Reprint of judgment in the Noakhali case.

2. Letter No. 1481 A.B., dated 4th March 1901, from the Officiating Chief Secretary to the Government of Bengal, with its enclosures (including copy of letter No. 600, dated 4th March, 1901), from the Officiating Registrar of the High Court.

3. Letter No. 1—Suspension, dated 11th March, 1901, to Chief Secretary to Government of Bengal.

4. Letter No. 1872 A, dated 13th March 1901, from Officiating Chief Secretary to Government of Bengal.

5. No. 2—Suspension, dated 18th March 1901, to Secretary to Government of India Home Department.

Annex No. 39.—**Reprinted in Appendix,** *Vide* page 165.

THE High Court Paper-book of the Criminal Bench Appeal, No. 173 of 1901, *in the case of* The King-Emperor, *Complainant, versus* Sadak Ali and others, *Accused.*

Annex No. 40.

Letter from Mr. Buckland, C.I.E., Officiating Chief Secretary to the Government of Bengal, to Mr. Pennell, I.C.S. No. 2676 A., dated Calcutta, the 2nd April 1901.

I AM directed to return herewith your memorial No. 3—Suspension, dated the 23rd March 1901, addressed to the Secretary of State for India in Council, and to request your attention to the enclosed copy of the Rules in force about the submission of memorials addressed to the Right Honourable the Secretary of State for India.

2. The Lieutenant-Governor regrets that under Rule XII. (2), he is unable to forward the memorial until the disrespectful and improper language contained in its paragraphs 2, 3, 6, and 11 is omitted from it. I am particularly to refer to the following expressions, viz.—

> *Paragraph* 2.—"To expose in my judgment the attempt made by Sir John Woodburn, the Lieutenant-Governor of Bengal, and by Lord Curzon of Kedleston, the Governor-General, to burke the case" . . . . . . "to denounce the sycophancy of the higher judiciary."
>
> *Paragraph* 3.—"An illegality of so flagrant a nature as to justify his being disbarred."
>
> *Paragraph* 6.—"A daring attempt to possess himself of the record extrajudicially."
>
> "That his action was both illegal and improper." . . . . . "wanted to get hold of the record surreptitiously, he did not want his getting hold of it surreptitiously to be known."
>
> *Paragraph 11.*—. . . . . "Lord Curzon as well as Sir John Woodburn is implicated in my judgment, and I do not expect any justice from the authorities in this country."

3. Should you desire to submit a revised memorial addressed to the Right Honourable the Secretary of State for India, I am to request your attention to Rules II. and VIII. of the enclosed Notification.

Annex No. 41.

Letter from Mr. Sheepshanks, Officiating Registrar of the High Court of Judicature at Fort William, in Bengal, to the Chief Secretary to the Government of Bengal. No. 1,049, *dated Calcutta, the* 23*rd April* 1901.

HIGH COURT.
(*Criminal*)
PRESENT:
The Full Court.

I AM directed by the Chief Justice and Judges of the High Court to forward, for the information of His Honour the Lieutenant-Governor, copies of the judgments of Mr. Justice Ameer Ali and Mr. Justice Pratt in the case of Aslam and Anwar Ali and Sadak Ali *versus* The Emperor, with special reference to the observations of the learned Judges who heard the case upon the terms of Mr. Pennell's judgment.

2. I am also directed to say that when the Chief Justice and Judges recommended your Government on the 4th March last to suspend Mr. Pennell by reason of his insubordinate attitude towards the Court in refusing to hand over the record in the above case, they neither desired nor intended that the period of such suspension should be unlimited, and they are of opinion that the authority of the Court has been sufficiently vindicated and Mr. Pennell sufficiently punished for his contumacy above referred to by the suspension to which he has already been subjected.

Annex No. 42.—Reprinted in Appendix. *Vide* page 347.

JUDGMENTS, dated the 17th April 1901, of the Criminal Bench of the High Court (the Hon'ble Justices Ameer Ali and Pratt) in the case of Aslam, Anwar Ali, and Sadak Ali, *Appellants, versus* The Emperor, *Respondent.*

Annex No. 43.—Reprinted in Appendix. *Vide* page 356.

JUDGMENT, dated the 26th April 1901, of the Criminal Bench of the High Court (the Hon'ble Justices Ameer Ali and Pratt) in the matter of Mr. W. Y. Reily, Petitioner, *versus* The King-Emperor, Opposite party.

Annex No. 44.

Letter from Mr. Buckland, C.I.E., Officiating Chief Secretary to the Government of Bengal, to the Registrar, High Court. No. 3307 *A., dated Calcutta, the* 27*th April* 1901.

I AM directed by the Lieutenant-Governor to refer to your letter, No. 1049, dated 23rd April 1901, forwarding a copy of the judgment of the High Court in the case of Empress *versus* Sadak Ali and others, and stating that Mr. Pennell has been sufficiently punished by the period of suspension which he has undergone in respect of his conduct in refusing to hand over the records.

2. The Lieutenant-Governor has now before him the judgment of the High Court that Mr. Pennell's judgment in that case infringed every canon of judicial decorum and judicial propriety, and that he had taken an undue advantage of his position as Judge in order to vent his irritation upon all and sundry. He has also before him the judgment of the High Court of the 1st July 1898, in the case of Barodo Nath Bhattacharjee, Petitioner, *versus* Kerait Sheikh, in which the High Court directed that the order of the Sessions Judge be set aside as being without jurisdiction, and that all portions of the judgment of the Sessions Judge in regard to the conduct of Government and of the Magistrate and Deputy Magistrate be expunged. He has also before him the Registrar's letter to Mr. Pennell, No. 1247, dated 20th March 1900, in the cases marginally noted, in which Mr. Pennell was informed that a judicial officer is not warranted in making any imputation against the character of any person in the course of judicial proceedings, unless some substantial ground arising out of the proceedings existed for his doing so; still less is he justified in making a general imputation against a whole body of public servants at random, and unnecessary for the purposes of the case. The Court added its opinion that certain passages in Mr. Pennell's judgment in the case of Narsingh Singh were expressed in terms which the Judges regarded as intemperate and conspicuously wanting in that sense of dignity and self-restraint which ought to characterise all judicial utterances. The High Court reminded Mr. Pennell of the previous occasion on which portions of his judgment were expunged from the record as intemperate in expression and containing imputations which were improper and uncalled for.

(1) Sheonandun Singh and others, Appellants, decided 2nd October 1899.
(2) Narsingh Singh, Appellant, *versus* Queen-Empress, decided 7th October 1899.

3. The admonitions and censures of the Court have been without effect.

4. The Lieutenant-Governor has also had brought to his notice the judgment of the Court delivered on the 26th April in the case of Empress *versus* Reily, in which the Court have held that Mr. Pennell did not maintain a judicial balance of mind, and expressed the strongest disapproval of his illegal order in committing the accused to jail without the necessary preliminary enquiry.

5. In these circumstances, it appears to the Lieutenant-Governor that Mr. Pennell cannot be again placed in the office of Civil and Sessions Judge. But before giving effect to this opinion, he would be glad to be informed whether the Honourable Judges are in agreement with him.

6. The Honourable Court will understand that, pending final orders on Mr. Pennell's case, he must be retained under suspension.

Annex No. 45.

Letter from Mr. Sheepshanks, Officiating Registrar of the High Court of Judicature at Fort William in Bengal, to the Chief Secretary to the Government of Bengal, No. 1164, dated Calcutta, the 7th May 1901.

HIGH COURT.
ENGLISH DEPARTMENT.
Civil.
PRESENT.
The Full Court.

I AM directed to acknowledge the receipt of your letter No. 3370 A., dated April 27th 1901, enquiring whether the Judges are in agreement with the Lieutenant-Governor in considering that Mr. Pennell cannot be again placed in the office of Civil and Sessions Judge.

2. In reply, I am to say that, inasmuch as Mr. Pennell, in the opinion of the High Court upon the materials now before it, has shown himself unfit to discharge judicial functions, the Judges agree with His Honour the Lieutenant-Governor that he ought not again to be placed in the office of District and Sessions Judge.

THE BURMA PAPERS.

Annex No. 46.

Letter from the Chief Secretary to the Chief Commissioner of Burma, to the Commissioner of the Tenassarim Division, No. 363–6 c/12, *dated Burma, the* 12*th June* 1893.

I AM directed to acknowledge the receipt of your letter No. 82–11, dated the 5th instant, submitting, for the orders of the Chief Commissioner, papers connected with the proceedings of Mr. A. P. Pennell, Settlement Officer, Amherst, Tavoy and Mergui, in reference to Maung Tun Tha, Thugyi of the Mukyi circle of the Amherst district.

2. It appears that, on the 22nd March last, Mr. Pennell, being of opinion that Maung Tun Tha had wilfully disobeyed certain orders which had been given to him, and had for some time failed to render the assistance which he had a right to expect from him, called the Thugyi before him in the *zayat* at which he was staying, and threatened him that "if he went on behaving in this way he would give him a beating." Maung Tun Tha replied—in what Mr. Pennell describes as "a tone of mock humility"—"Yaikba," or "beat me?" Mr. Pennell thereupon, according to his own account, completely lost his temper, caught hold of the Thugyi, took the cord from his office box and tied his hands behind his back, and then took up his riding whip "and gave him, perhaps, as many as fifteen blows with it." On the same day Mr. Pennell gave the Thugyi a verbal order to appear before him at Kywegan village on the morning of the 25th March. On the 25th March Mr. Pennell arrived at Kywegan, and, finding that the Thugyi had left for Moulmein, issued a warrant for his arrest. The Thugyi was arrested and brought before Mr. Pennell on the 27th. To excuse his failure to appear before Mr. Pennell on the 25th March, the Thugyi produced an order from the Deputy Commissioner of the Amherst district, dated 24th March, requiring his immediate presence in Moulmein, and also an order, dated 25th idem, granting him two months' leave. Mr. Pennell thereupon recorded an order briefly reciting the facts stating that the Deputy Commissioner's order was only an executive order, whereas his own was issued in his capacity as a Civil Court, and ordering the Thugyi to pay a fine of Rs. 200 for "contempt of court," and "henceforward to remain in custody until his examination is completed."

3. The Thugyi petitioned the Deputy Commissioner, on the subject of this order, and the Deputy Commissioner in his capacity of District Judge reversed the order of fine and directed the refund of the money. As regards the beating, the Thugyi's father, pensioned Thugyi Maung Tu, presented a petition to the Deputy Commissioner, representing that his son had been cruelly beaten and put to shame in the presence of a large number of persons, and requesting that the matter might be enquired into. This petition has since been "disavowed" by the Thugyi himself, who states "that the beating was not so severe as was alleged, and that he has no desire to institute any criminal proceedings against Mr. Pennell."

4. Mr. Pennell, who has been called upon for an explanation of his proceedings as summarised in paragraph 2, after reviewing the facts, states, with regard to the assault on the Thugyi, as follows :—

"All that I can plead with reference to this is that I acted in the heat of passion under great provocation, and that the assault neither has had, nor was likely to have, any serious consequences." After recapitulating the annoyances to which he believes himself to have been subjected by the Thugyis of the Amherst district, he concludes : "All this does not, of course, justify the assault, however much it may extenuate it. That I regret the occurrence exceedingly it is perhaps unnecessary to add ; all that remains is to express my willingness (so far as such willingness is material) to make for my action such reparation or atonement as may be in my power and as it may seem that the circumstances of the case require."

As regards his proceedings in the matter of arresting the Thugyi, fining him Rs. 200 for contempt of court, and directing him to remain in custody till his "examination was completed," Mr. Pennell defends his conduct on the ground that under Revenue Department Notification No. 68, dated 19th June 1888, he as Settlement Officer possessed the powers of a Civil Court, maintaining that his orders were such as he had legal power to issue, and that they were rendered necessary by the conduct of the Thugyi.

5. The Chief Commissioner has carefully considered all the facts of the case and the explanation submitted by Mr. Pennell, and he regrets to have to record his opinion that Mr. Pennell's conduct throughout the affair has been wholly illegal and unjustifiable, and that his explanation is altogether unsatisfactory and shows a want of proper appreciation of the grave nature of the illegalities he has committed. Mr. Pennell's conduct in deliberately tying up the Thugyi with the rope of his office box and then severely beating him with his riding whip was such as no provocation could justify. His subsequent proceedings in directing the man's arrest, fining him Rs. 200 for "contempt of court," and directing him to be kept in custody "till his examination was completed," were from beginning to end absolutely illegal and improper, and it is a matter of surprise to the Chief Commissioner that an officer of Mr. Pennell's standing and reputed intelligence could seriously suppose that he was justified by law in the extraordinary proceedings he was so ill-advised as to adopt.

6. Mr. Pennell may congratulate himself that the Thugyi has abstained from taking criminal proceedings against him. He would have been perfectly justified in doing so, and appears to have acted with great forbearance in spite of the cruel and illegal manner in which he was treated. After the serious misconduct of which he has been guilty, and the extraordinary want of judgment which he has displayed, it is impossible to retain Mr. Pennell in the responsible position of Settlement Officer, or to place him in charge of a district, the position to which, as a Substantive Deputy Commissioner of the 4th grade, he would ordinarily be entitled. He will accordingly be reduced from Deputy Commissioner, 4th Grade, to Assistant Commissioner, 1st grade, and he will not be placed in charge of a district until he has shown himself fit for such a position. He will be removed from the Settlement Department as soon as his transfer can, with due regard to Government interests, be arranged, and he will be placed under a Deputy Commissioner, who will specially supervise his work and will submit a report upon it in twelve months' time for the information of the Chief Commissioner. Finally, Mr. Pennell will tender to Thugyi Maung Tun Tha a sum of Rs. 300 by way of amends for the ill-treatment to which he has been subjected at his hands.

7. The above orders, which are the most lenient that can be passed with due consideration to the gravity of the case, will involve a loss of pay to Mr. Pennell amounting to Rs. 650 monthly. The Chief Commissioner hopes that this punishment, and the expression of the Chief Commissioner's opinion on his conduct as contained in this letter, will be a severe lesson to Mr. Pennell for the rest of his service, and that for the future he will maintain better control over his temper and will show more care and intelligence in the exercise of such powers as may from time to time be conferred upon him.

8. A copy of this letter should be communicated to Mr. Pennell, and Thugyi Maung Tun Tha should be informed of the substance of the orders which the Chief Commissioner has passed in the case.

9. The original records received with your letter are herewith returned.

Annex No. 47.

Demi-official letter from Mr. Symes, C.I.E., Chief Secretary to the Chief Commissioner, Burma, to the Commissioner, Irrawaddy Division, dated the 3rd May, 1894.

MR. FRYER desires me to acknowledge the receipt of your demi-official letter No. 2,252–D.–2, dated 30th ultimo, and to say that if Mr. Pennell's conduct had been reported officially, he would have had no hesitation in at once reducing him to the rank of Assistant Commissioner. It would seem that Mr. Pennell began by flatly refusing to obey your very proper and repeated order that he was to re-open the Treasury and take charge of it himself; that he then neglected, week after week, to submit the report which he himself had promised, and which you had repeatedly called for; and that he finally wrote you a demi-official letter in terms which can only be described as grossly impertinent. The Chief Commissioner must leave you to deal with the matter as you think proper. If you report the case officially, it will be dealt with officially. If, on the other hand, you can bring Mr. Pennell to see the error of his ways without the adoption of so extreme a measure as an official report, the Chief Commissioner will not be sorry to let this young officer have another chance as a Deputy Commissioner. Mr. Pennell is undoubtedly a gentleman of some ability. His chief failing appears to be his extraordinary conceit. You are at liberty to show him this letter if you so desire.

Annex No. 48.

Extract from a demi-official letter, dated 10th May, 1894, from Mr. G. E. L. Weidemann, Commissioner, Irrawaddy Division, to the Chief Secretary to the Chief Commissioner, Burma.

I WRITE to thank you for your demi-official letter of 3rd May 1894 on the subject of my difference with Pennell.

I have shown it to him, and talked the matter over to him. He has apologised, and I hope the incident is at an end. It is not my desire to proceed further. I trust that in future we shall get on. At the same time, though I like him much socially, officially he is inclined to be petulant.

Annex No. 49.

Letter from the Registrar, Court of the Judicial Commissioner, Lower Burma, to the District Magistrate of Thongwa, No. 1173—11, dated Rangoon, the 1st August 1894.

I AM directed to say that your letter No. 1504—1-77 P., dated the 27th July 1894, forwarding, through the Local Government, your explanation of the delay in obeying the instructions of the Judicial Commissioner, should have been submitted much earlier.

2. The explanation now submitted by you is unbecomingly expressed and does not contain such expressions of regret as might naturally have been expected.

3. The Judicial Commissioner has, however, accepted your statement that you have been lately much overworked, but he desires that it should be clearly understood that a much earlier and more careful attention to the orders of this Court will be expected of you in future.

Annex No. 50.—Printed as Annex 4, page 47.

Note by the Chief Commissioner of Burma, dated 26th October 1894.

Enclosure 2 in No. 1.

Letter from Mr. Buckland, C.I.E., Officiating Chief Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department, No. 124—A.D., dated Darjeeling, the 19th May 1901.

I AM directed to forward the enclosed memorial addressed to the Right Honourable the Secretary of State for India by Mr. A. P. Pennell, I.C.S., for the orders of the Government of India.

Dated the 29th April 1901.

2. The facts of the case are that Mr. A. P. Pennell, I.C.S., at that time District and Sessions Judge of Noakhali, was suspended from his office on the 4th March by this Government on the recommendation of the High Court, for the reasons given in their Registrar's letter No. 600 of that date, which forms one of the enclosures of the memorial. The Government of India were informed in my letter No. 2025—A, dated the 19th March 1901, that in His Honour's opinion the grounds on which the High Court recommended Mr. Pennell's

suspension amply justified the action which they recommended, and in your letter No. 2691, dated the 20th March 1901, this Government was requested to inform Mr. Pennell that the Government of India declined to interfere with the Lieutenant-Governor's orders.

3. The main contentions of Mr. Pennell's memorial are that no charges were framed against him by the suspending authorities, that he was not asked to furnish any explanation, and that no limit to the period of his suspension has been indicated. He is perfectly aware that he was suspended by the Local Government on the recommendation of, and on grounds stated by, the High Court, and the whole of his ninth paragraph is directed against the Local Government because they did not draw fresh charges against him. His statement that he had "neither notice nor knowledge of the proceedings of the High Court,"—whereas he had received a copy of the Registrar's letter No. 600, dated the 4th March,—is altogether incorrect. There is nothing in the sections of the Acts under which Mr. Pennell was suspended which requires the framing of any charges, and the Lieutenant-Governor considers that it was not open to him to question the recommendation made by the High Court, or to refuse to act upon it. No limit was placed by the High Court to the suspension of Mr. Pennell which they recommended. On the 24th April the High Court stated that in their opinion Mr. Pennell had been sufficiently punished, by the period of suspension which he had undergone, in respect of his conduct in refusing to hand over the records of a case to the Registrar, but they did not recommend his restoration to a Judgeship. They have since expressed their agreement with the Lieutenant-Governor that he should not be restored to a Judgeship, and in a separate letter the Lieutenant-Governor has made recommendations to the Government of India in regard to Mr. Pennell which entail his remaining under suspension until their orders have been received.

4. The circumstances detailed in paragraphs 10 and 11 are not within the cognizance of this Government, and it is unnecessary to offer any further comments on paragraph 12 than to say again that the Government of Bengal formulated no charges against Mr. Pennell, because the High Court's letter recommending his suspension contained the grounds on which the recommendation was made and rendered it unnecessary for this Government to do anything more than take the formal action of applying certain sections of the law.

5. Mr. Pennell was suspended on the 4th March. The appeal case (for the non-delivery of the records of which he was suspended) was not heard in the High Court until the 10th April. Judgment was delivered on the appeal on the 17th of April, and on Mr. Reily's case on the 26th idem. While these cases were pending, it was impossible for the Lieutenant-Governor to issue any further orders to Mr. Pennell. On the 27th April the Lieutenant-Governor addressed the High Court with reference to Mr. Pennell's fitness to be a Judge, and has now received their reply. It is not the duty of the Lieutenant-Governor to enter on any discussion with Mr. Pennell as to the grounds of the recommendation contained in the High Court's letter No. 600, dated the 4th March, 1901.

6. The facts are correctly stated in paragraphs 14 and 15 of the memorial, except that Mr. Pennell has omitted to mention that the memorial of the 23rd March, at the end of its 6th paragraph, contained in two places the objectionable word "surreptitiously" instead of the word "privately" which appeared in the memorial of the 21st March, as it was printed in the newspapers, to which it can have been communicated by Mr. Pennell only. As Mr. Pennell has in no way replied to my letter No. 2676, dated the 2nd April, which pointed out to him the disrespectful and improper passages contained in his memorial of 23rd March, it may be presumed that he admits the correctness of those epithets; though he has abstained from making any apology or expressing any contrition for the use of such language.

7. The incident of Mr. Pennell's suspension is only part of the whole case in regard to that officer, which is now before the Government of India in my letter No. 123—A.D., of this date.

Annex I.

To the Right Honourable the Secretary of State for India in Council.

The Memorial of Aubray Percival Pennell.

Respectfully sheweth,—1. That your petitioner is a member of the Covenanted Civil Service of India of 15½ years' standing, and that he was till recently District and Sessions Judge of Noakhali in the Lower Provinces of Bengal.

2. That on the evening of the 4th March last your petitioner was suspended from his office by the Local Government (Government of Bengal) by a letter No. 1481-A. B. (of which a copy is annexed) "on the recommendation of the Honourable the Chief Justice and Judges of the High Court" (of Fort William in Bengal). Your petitioner begs to point out that no charges were framed against him by the Suspending Authority, that he was not asked to furnish any explanation and that no limit to the period of his suspension has been indicated.

3. That under the rules laid down by the Government of India even the most humble servants of Government are entitled, before any proceedings are taken to their detriment, to be informed of the charges against them and to be heard in their defence: and your petitioner submits that, even apart from departmental rules, such a procedure is required by principles of natural justice.

4. That your petitioner further ventures to submit that if there be any one servant of Government who more than another should be protected against summary treatment of the kind meted out to your petitioner, it is a Judge who has to try his fellow subjects for their lives: and that in the case in connection with which your petitioner was suspended, he had actually passed sentence of death.

5. That on the 11th of March your petitioner addressed to the Chief Secretary to the Local Government a letter (No. 1 Suspension) (of which a copy is annexed) enquiring whether it was in contemplation to frame any charges against him, and whether he would be allowed to submit any explanation or to be heard in his defence.

6. That in reply the Local Government informed your petitioner in their Chief Secretary's letter No. 1872, dated 13th March (copy annexed) that they have at present no further information to communicate to him.

7. That your petitioner represented these facts to the Government of India in a letter (No. 2 Suspension) of the 18th March (of which a copy is annexed), and asked therein that that Government might be pleased to direct the Local Government either to reinstate him without delay or to inform him what the charges against him were and to give him reasonable facilities for defending himself against such charges.

8. That at 4.45 p.m., on the 21st March your petitioner received through the Local Government a copy of a letter (No. 2691, dated 20th March, 1901) from the Government of India, in which that Government intimate that they decline to interfere with the orders passed by the Government of Bengal.

9. That in the said letter the Government of India have referred your petitioner for the reasons for his suspension to the High Court's letter to the Government of Bengal (No. 600, dated the 4th March 1901) a copy of which was enclosed with the order suspending him. That your petitioner submits that he is in no way concerned with the reasons which the High Court may have given to the Local Government for their recommendation—that he had neither notice nor knowledge of the proceedings of the High Court—and that he was employed and has been suspended from his employment not by the High Court but by the Local Government. He submits that he was entitled to know as soon as suspended what charges were made against him by that Government and what the evidence was in support of those charges, and that he should have been given a hearing before being condemned.

10. That as it now appears from the letter of the Government of India that the charges on which your petitioner has been suspended by the Local Government are identical with the reasons put forward in the High Court's letter recommending his suspension, your petitioner ventures to emphatically deny that he was guilty of any contempt or that he was unwilling to deliver up the record therein referred to. That he refused to deliver it has not been stated even by the High Court. That your petitioner was not only willing but anxious to make over the record will appear from his bringing it to Calcutta, where it arrived long before it would otherwise have done owing to that action of his, and from the fact that having been informed by Mr. Chapman, an ex-Registrar of the High Court then on leave, on Sunday, the 3rd of March, that the Chief Justice wanted the record, he went with it that very afternoon to the Chief Justice's house, with the object of making it over, although the Chief Justice had sent for it in an informal manner, and although (owing to its having been from the 16th to the 28th February in the Copying Department of your petitioner's office in charge of your petitioner's Senior Gazetted Subordinate for the purpose of preparing the copies applied for by the condemned men) there had been no time to make it up, nor had my letter of reference been written as required by law in capital sentence cases. That your petitioner's anxiety to make over the record will further appear from the fact of his remaining on at Calcutta on the 4th March in spite of a peremptory order which he received from the Local Government on the night of the 3rd to return to Noakhali at once. That if your petitioner had complied with that order he would have had to leave Calcutta at 5.57 A.M. on the 4th and would have had no option but to take the record with him, but knowing as he did that the Chief Justice wanted the record, he thought it his duty to remain with it in Calcutta. As, however, the Chief Justice had refused to see your petitioner when your petitioner went to his house to make it over to him, your petitioner determined to apply officially to the Registrar for the High Court's instructions and in support of this application to file affidavits by his sister and clerks as to Mr. Chapman's visit and the incidents which occurred at the Chief Justice's house. That your petitioner on the morning of the 4th accompanied his sister and clerks to the High Court, but that the Deputy Registrar refused to take their affidavits. That your petitioner then tried to get the affidavits sworn at Alipur (a suburb of Calcutta) and was proceeding there with his sister when he was intercepted at his hotel by Messrs. Chapman and Sheepshanks. That he asked these gentlemen to wait till his return in an hour's time, but that Mr. Sheepshanks insisted on making over a letter to him at once. That your petitioner did not read or even open the letter then, but hastened to join his sister, who is newly arrived in this country and ignorant of the language, and whom he had left in a hired carriage in the middle of the road at a distance from his hotel while he hurried back there to see what had become of his clerks. That it was not till after he had joined her and was driving to Alipur that your petitioner read the letter and found out what it was. That it would have taken (as it actually did take) several hours to make over the records, even with the assistance of your petitioner's clerks, who were then on their way to Alipur, and that your petitioner thought that Mr. Sheepshanks, who was not long ago his subordinate (having been Assistant Magistrate of Bettiah in 1899 when your petitioner was Judge of Chapra) and is very much junior to him, would have waited for an hour as asked by your petitioner, especially as there was a lady in the case ; but it appears that he and Mr. Chapman (who was then a private person and seems to have come as a witness only) went straight to the High Court and presumably informed that body that your petitioner was unwilling to deliver up the record—and that in the course of the next two or three hours your petitioner was condemned unheard first by the High Court and then by the Local Government.

11. That the High Court was closed on the 5th March and that your petitioner made over the record the moment it re-opened on the 6th. He submits that he cannot be said to have disobeyed an order of which he was ignorant, and although it is a technical point, he thinks himself justified in calling attention to the fact that the order calling for the record was not sealed, presumably owing to its having been issued in a hurry. Your petitioner, although he was perfectly willing to comply with it, may yet venture to submit that it was not a valid order.

12. That your petitioner submits that it is hardly fair to him that he should be called upon to make his defence before he is accused and before he knows what Messrs. Chapman and Sheepshanks have said against him. That your petitioner is ready and anxious to answer any charge of "contempt" as soon as he is informed what act of his is said to have constituted the contempt. Your petitioner submits that he should have been informed at the outset what the Government of Bengal charged him with, and what evidence there was in support of that charge, and that the very earliest opportunity should have been given him of refuting it. He has made any statement at all as to the events of the 4th of March only in order to show that his alleged unwillingness to make over the record, which is the only tangible ground assigned in the High Court's letter, is on the face of it untenable.

13. That nearly two months have elapsed since your petitioner's suspension, but that the "further orders if any" indicated in the Local Government's letter suspending him have not issued, nor has your petitioner been given any opportunity of refuting the charges contained in the High Court's letter.

14. That on the 23rd March your petitioner submitted to Your Lordship through the usual channels a memorial (No. 3 Suspension) of which he had sent a copy direct to Your Lordship on the 21st March. That this latter copy was written before receipt of the Government of India's letter dated the 20th March.

15. That this memorial has been returned to your petitioner by the Local Government under cover of a letter of the 2nd April (No. 2676 from Chief Secretary, copy annexed) received by your petitioner on the 6th April. In this letter the Lieutenant-Governor intimates that he regrets he is unable to forward the memorial until certain language which he describes as disrespectful and improper is omitted from it, and has also called your petitioner's attention to the fact that the separate pages are not signed by your petitioner, as required by departmental rules, nor is the memorial accompanied by a forwarding letter.

16. That your petitioner has therefore prepared the present memorial which he hopes will be found free from the defects indicated or any other defects.

17. That he prays:

1. That Your Lordship will order the Governments concerned to at once reinstate him in his office.
2. That Your Lordship will be pleased to compensate him for the treatment to which he has been subjected.
3. That the orders which Your Lordship may pass upon this memorial may be communicated to the Government of India by telegraph and that that Government may be directed to inform your petitioner of them without delay.

HOTEL CONTINENTAL, CALCUTTA,
The 29*th April* 1901.

(Signed) A. PENNELL.

Annex No. 2.—Already printed as Annex No. 34, page 27.

Annex No. 3.—Already printed as Annex No. 35, page 28.

Annex No. 4.

Letter from R. Sheepshanks, Esq., Officiating Registrar of the High Court of Judicature at Fort William in Bengal, Appellate Side, to the Chief Secretary to the Government of Bengal, No. 600, *dated Calcutta the 4th March* 1901.

I AM directed by the Chief Justice and the Judges of this Court to request you to immediately lay the following matter before His Honour the Lieutenant-Governor.

2. From a Sessions statement submitted by Mr. A. P. Pennell, the Sessions Judge of Noakhali, it appeared that three persons named Sadak Ali, Anwar Ali, and Aslam had been convicted by Mr. Pennell on the 15th February last of murder under section 302 of the Indian Penal Code, one of whom, namely Sadak Ali, had been sentenced to death. This morning the proceedings not having been submitted by Mr. Pennell under section 374 of the Code of Criminal Procedure, and the Criminal Bench having been informed by the Registrar that the record of the case is now in Calcutta in the possession and custody of Mr. Pennell, the Judges sitting on the Criminal Bench issued an order that Mr. Pennell do make over and deliver the entire record forthwith to Mr. Sheepshanks, the Officiating Registrar, who was authorised by the Order to receive the same.

3. I am directed to say that Mr. Sheepshanks, accompanied by Mr. Chapman, went to the Hotel Continental this morning to call upon Mr. Pennell to carry out the order of the Court. Mr. Sheepshanks and Mr. Chapman saw Mr. Pennell at the hotel at a quarter past one to-day, and Mr. Sheepshanks delivered to Mr. Pennell the proceeding directing him to deliver over the record in accordance with the order issued by the Criminal Bench. Mr. Pennell treated the proceeding with contempt, declined to reply to it, and did not hand over the record to Mr. Sheepshanks.

4. I am directed by the Chief Justice and the Judges of this Court, who are of opinion that Mr. Pennell's behaviour in this matter amounts to gross insubordination and to misconduct within the terms of section 26 of the Code of Criminal Procedure, 1898, to recommend that the Local Government, in the exercise of the powers conferred upon it by the terms of the section, do immediately issue an order for Mr. Pennell's suspension, and to request that the Court may ~~be at once informed of such~~ orders as may be issued on this letter.

5. I am directed to recommend that an order issue also under section 26 of the Bengal, North-Western Provinces and Assam Courts Act, 1887, suspending Mr. Pennell from his office as District Judge.

Annex No. 5.—Already printed as Annex No. 36, page 28.

Annex No. 6.—Already printed as Annex No. 37, page 28.

Annex No. 7.

Letter from Mr. A. P. Pennell, Suspended Civil Servant, to the Secretary to the Government of India, Home Department (through the Chief Secretary to the Government of Bengal), No. 2 *Suspension, dated Hotel Continental, Calcutta, the* 18*th March* 1901.

I have the honour to state that I am a member of the Indian Civil Service of over 15 years' standing, and was till lately District and Sessions Judge of Noakhali, in the Lower Provinces of Bengal.

2. On the evening of the 4th March, 1901, I was suspended from my office by the Local Government by a letter No. 1481-A.B., copy of which is annexed. It will be seen that no charges were framed against me, that I was not asked to furnish any explanation, and that no limit to the period of my suspension was indicated.

3. On the 11th March I addressed to the Chief Secretary to the Local Government a letter, No. 1 Suspension, of which a copy is annexed, enquiring whether it was in contemplation to frame any charges against me and whether I should be allowed to submit any explanation or to be heard in my defence.

4. In reply, the Local Government have informed me in their Chief Secretary's letter No. 1872-A., dated 13th March, that they have at present no further information to communicate to me.

5. The immediate result of the order suspending me is that instead of getting pay and allowances of Rs. 2,500 per mensem, I get a subsistence allowance of Rs. 400 per mensem only. I am precluded from practising my profession as a barrister, or from taking up other work. It is my belief that I can earn a great deal more than Rs. 400 per

mensem out of Government Service, and I may say that I have already had to refuse an offer of the Editorship of a leading up-country paper, which would certainly have brought me far more than that amount.

6. I had been assured by the Local Government early in the year that I should be allowed leave in or about the early part of May. The state of my health renders it imperative that I should go home before long. But in my present state of uncertainty I can neither take my own passage nor that of my sister, who is living with me, and whose marriage, on the faith of the assurance of the Local Government, had been arranged to take place in England early in the summer. Her future husband has already, in consequence of the recent action of the Local Government, had to undertake a railway journey of 3,500 miles, and to cancel important business engagements in Bombay.

7. I believe that the action of the Local Government in suspending me was wholly improper. I am advised that it was wholly illegal. My submission is that the Local Government acted in a hurry, that they are now at once unable to justify their action and unwilling to make amends for it. The recommendation of the Chief Justice or of certain Judges is obviously in itself an insufficient reason for suspending me; whoever may have recommended them to take the step, the responsibility for my suspension rests with the Local Government and with them alone.

8. I have, therefore, to request that the Government of India may be pleased to direct the Local Government either to reinstate me without delay, or to inform me what the charges against me are, and to give me reasonable facilities for defending myself against such charges.

9. The English mail leaves Calcutta on Thursday evening next, and I have further to request that if the Government of India intend to reply to this letter at all, the reply may be sent me not later than 2 p.m. on that day (21st March), as I intend, unless I get satisfactory redress in the interval, to address the Secretary of State and various non-official persons and bodies by that mail.

10. A copy of this letter is being sent you through the Chief Secretary to the Local Government. I send the present copy direct to save time.

Annex No. 8.

Letter from Mr. Hewett, C.S.I., C.I.E., Secretary to the Government of India, Home Department, to the Officiating Chief Secretary to the Government of Bengal, No. 2691, *dated Calcutta, the 20th March* 1901.

I AM directed to acknowledge the receipt of your letter No. 2025-A., dated the 19th March 1901, with which was forwarded a letter No. 2 Suspension, dated 18th idem, addressed by Mr. A. P. Pennell, of the Indian Civil Service, to the Government of India in this Department. Mr. Pennell prays that the Government of India may be pleased to direct the Local Government either to reinstate him in his office without delay, or to inform him what the charges are against him, and to give him reasonable facilities for defending himself against such charges. Mr. Pennell has, you explain, been suspended on the recommendation of the Honourable Chief Justice and the Honourable Judges of the High Court, and the reasons for his suspension are contained in the letter No. 600, dated 4th March 1901, from the Officiating Registrar of the High Court to the Local Government, a copy of which has been duly communicated to Mr. Pennell. I am to request that Mr. Pennell may be informed that the Government of India decline to interfere with the orders passed by the Government of Bengal.

Enclosure 3 in No. 1.

Letter from Mr. Buckland, C.I.E., Officiating Chief Secretary to the Government of Bengal, Appointment Department, to the Secretary to the Government of India, Home Department, No. 299-*A.D., dated Darjeeling, the* 19*th May* 1901.

IN continuation of my letter No. 124-A.D., dated 9th May 1901, and of my telegram of 16th instant, I am directed by the Lieutenant-Governor to forward a copy of a letter dated Bombay, May 14th 1901, from Mr. A. P. Pennell, announcing his intended departure from India on the following day. The telegram of the 16th instant shows that he carried out his intention.

2. It will be observed that Mr. Pennell states that it was only owing to ignorance of the necessity for obtaining permission that he had not applied for permission (to leave India) before. Mr. Pennell may not have been aware that

under Article 218 of the Civil Service Regulations no leave was admissible to an officer under suspension, but it is impossible to accept the proposition that any officer is not fully aware that he cannot leave India without permission. Mr. Pennell himself has more than once applied for casual leave for the purpose of only going away from his station. He must *á fortiori* have been aware that he could not get out of India without leave. Moreover, he obtained leave from Government in the usual manner on previous occasions when he went on privilege leave and furlough.

3. Mr. Pennell in his 3rd paragraph writes that in the peculiar circumstances of his case he can hardly conceive the possibility of such permission being refused, and in his next paragraph he announces his intention of leaving India in anticipation of permission being granted. Mr. Pennell appears deliberately, or through loss of mental balance, to have misapprehended the correct argument, viz., that in the peculiar circumstances of his case it was hardly conceivable that such permission would be granted to him : and nothing has ever been said or done to him that would justify his leaving India in anticipation of sanction. There is nothing to show that it was necessary for him to leave India on 15th May, or before a reply to his application of the 14th instant could reach him.

4. It appears therefore to the Lieutenant-Governor that Mr. Pennell has, after receiving a formal warning, conveyed to him under the orders of the Government of India, deliberately broken Article 8 of his covenant. It is not for His Honour to determine what consequences this particular act should entail on Mr. Pennell. But should His Excellency the Viceroy and Governor-General decide to dispense with Mr. Pennell's services, Sir John Woodburn will take this opportunity of saying that, having regard to Mr. Pennell's conduct as set out in my letters Nos. 123-A.D. and 124-A.D., of the 9th May 1901, to your address, he has no plea to offer on Mr. Pennell's behalf in mitigation of sentence.

Annex.

Letter from Mr. A. P. Pennell, Suspended Civil Servant, to the Chief Secretary of the Government of Bengal, dated Watson's Hotel, Bombay, the 14th May 1901.

I have the honour to acknowledge receipt of your telegram of yesterday's date stating that under orders from the Government of India I am informed that under Article 8 of my covenant I cannot leave India without obtaining permission.

2. Your telegram does not indicate from whom this permission has to be obtained—whether from the Local or the Supreme Government. I have, therefore, to request that His Honour the Lieutenant-Governor will either give me the requisite permission himself, or if that is not in his power, that he will move the Government of India to do so.

3. In the peculiar circumstances of my case I can hardly conceive the possibility of such permission being refused ; and it is only owing to my ignorance of the necessity for obtaining it that I have not applied for it before.

4. I had taken my passage in the Rubattino S.S. Dominico *Balduino* before receipt of your telegram, and intend leaving by her to-morrow in anticipation of permission being granted.

5. I request that any orders which the Local Government may have for me either on the subject of this letter or in any other matter may be addressed to me at the East India United Service Club, St. James's Square, London, S.W., England, and that the covers may be marked " to wait arrival."

Enclosure 4 in No. 1.

Extract from the " Bengalee," *dated the 20th May* 1901.

Letter from Mr. Pennell to The Government Prosecutor, Noakhali.

MY DEAR TARAK BABU,—I am informed by Jashoda Babu and others that the trial of Sadak Ali has been fixed for the 6th instant, and that at Mr. Cargill's instance certain witnesses not examined before me but mentioned in the judgment of the High Court have been cited for the prosecution, also that Osman Ali, Mathura Babu, and Mr. Reily have been summoned.

As I am well acquainted with the facts of the case, I send you the following instructions which will, I think, be of assistance to you :—

(1.) Hosan and Torap should be examined by the prosecution, as before me. No doubt Messrs. Amir Ali and Pratt profess to believe that they are false witnesses, but their opinion is quite irrelevant. It will be for Geidt and the new Assessors to say whether they will believe them or not.

(2.) Islam (or Ismail) should be asked what way he went home and whether he crossed the break. Mr. Amir Ali's statement that he went home that way is altogether unsupported by the evidence. It is almost physically impossible that he should have done so.

(3.) Islam should also be asked as to the position of his house. There is nothing to show this except the police maps, which are false.

(4.) To prove that the police maps are false, the map prepared by Babu Binod Bihari Pal, District Engineer, subsequent to the murder case enfilled in the proceedings against Mr. Reily, should be put in and proved. It shows the actual state of things and also the state of things shown in the police map. Unfortunately, Messrs. Amir Ali and Pratt have not referred to this map in their judgment in the Reily case.

(5.) Mr. Amir Ali has professed to believe that Saroda Mohan Chakaravarti when he said the "edges" of the break were nine inches from the level of the road meant that the "sides" were shallow, and not the "ends." Ask Saroda Mohan what he means by edges.

(6.) Also examine the District Engineer in detail as to this break and call Ishan Chandra Sen, the Head Master, to prove the real state of things. Prove by him the measurement we all made of the depth of the break both in the middle and at the edges.

(7.) It will also be a good thing to get a white man to depose as to he nature of the break so as to contradict Reily. I am told Mr. Geidt himself as been there and seen it ; but of course you cannot prove that. You might, however, call Simpson, the D.S.P., who, I am told, has seen it. If necessary, call Ezechiel. I myself showed it to him. Of course, we all know that Reily lied about it ; but for political reasons, the Executive are bent on making out he did not, and it is advisable to get some white or whitey brown witness to contradict their whitey brown policeman. Black evidence won't do. If necessary, examine Radha Kant Babu about the break as you proposed to do in the perjury case.

(8.) Don't call Reily for the Crown. Let the other side of the Court call him and begin cross-examining him by putting his former deposition to him. Bring out the fact that he read it over on a subsequent day and made several corrections, and when reading it over he was given a seat to my right hand on the level of the Assessors. Ask him if I have any private grudge against him (never mind Geidt's disallowing the question, it should be "asked."). I have letters which render it impossible for Reily to set up the story of grudge. Ask him categorically whether he went over Guna Mir's Road, and call his attention to Mohim Chandra Mazumdar's evidence. Also ask him categorically whether he went with Bharat Babu over Ashak Jemadar's Road, and call his attention to Bharat Babu's evidence. Ask him also how he got past the break. Ask him whether he is a good rider, and question him as to his falling off his horse when the L.-G. visited Noakhali. Prove that the roads in the south-west of the plain are rough and uneven. If Reily says he can ride, then ask Geidt to test him, and make him to canter on my chestnut mare, the one Dwarkanath Bose has bought—he will fall off in the first hundred yards.

(9.) Ask Mr. Reily how "it came to be dated on Exhibit A as 15th September." Also ask him when he made the pencil marks on Exhibit Aa— before or after it was copied ? If he says before, ask Mohim Chandra Mazumdar how he failed to copy them. Also ask Mr. Reily "why" he made pencil marks:

why he showed the break at all. Ask him whether or not he was reprimanded by Mr. Bignell about this case just before giving his evidence; whether he asked Mr. Bignell for a transfer on the 4th of January, and what Mr. Bignell said to him on that day and the following day.

(10.) Go over Mr. Reily's statement on important points at the previous trial, and either make him take back all the lies he told, or if he sticks to them, apply to Mr. Geidt to prosecute him again.

(11.) If Mr. Kisto Bhadra is examined again for the defence, cross-examine him as to the part he played in the stolen note case. You left this out before me.

(12.) I see Mathura Babu is to be examined. Jashoda Babu tells me that he was instructed that this Mathura Babu got a letter either from Mrs. Reily or from her sister. He believes the former telling him not to send up the accused, and that he, therefore, cited him in the lower Court, but that Mathura Babu begged and prayed him not to examine him, so Jashoda did not do so. Ask Mathura Babu about this.

(13.) If necessary, prove by examining some European that Reily was completely controlled by his wife. Ezechiel would prove this as well as any one else.

(14.) When Osman Ali is called, cross-examine him as to previous history; the length of time he has been on different occasions at Sudharam Thana (14 years, I am told), and the money he has amassed; also his rate of pay. Bring out Upendra Babu's recent remarks about him and the fact that Mr. Cargill took no action on them.

(15.) Ask Islam if he has got any redress for his mal-treatment by the police when attending my Court.

(16.) If the additional witnesses cited at Mr. Cargill's instance prove hostile to the prosecution, point out to the Assessors that they are Mr. Cargill's witnesses.

(17.) In addressing the Assessors lay stress upon the fact that all the witnesses are deposing against their own interest in giving any evidence at all against Osman Ali's friends and that no reasonable motive for their giving false evidence has been suggested.

I may send you some further hints later on. These must do for the present.

A. P. PENNELL,
Late Sessions Judge of Noakhali.

Enclosure 5 in No. 1.

Letter from Mr. H. Thirkell White, Officiating Chief Secretary to the Chief Commissioner of Burma, to the Secretary to the Government of India, Home Department, No. 936—7 C.—29, *dated Rangoon, the* 27*th November* 1894.

I AM directed to submit a copy of the correspondence cited in the margin concerning the conduct of Mr. A. P. Pennell, C.S., a Deputy Commissioner in this Province, shortly expected to revert to Bengal.

No. 4968—2 C.—21, dated the 22nd October 1894, from Commissioner, Irrawaddy Division, with enclosures.

No. 873—7 C.—29, dated the 26th October 1894, to Commissioner, Irrawaddy Division, with enclosure.

Telegram No. 743, dated the 22nd November, to Commissioner, Irrawaddy Division.

Telegram No. 232, dated the 24th November, from Commissioner, Irrawaddy Division.

2. The Chief Commissioner's orders contained in the note enclosed in this office letter of the 26th October 1894 were, it is reported, communicated to Mr. Pennell by the Commissioner on or before the 30th October. The Commissioner reports that he has received no reply from Mr. Pennell and no reasonable cause for the delay has been given. It appears, therefore, that Mr. Pennell has deliberately disobeyed the Chief Commissioner's explicit orders. Under these circumstances, Sir Alexander Mackenzie has had no option but to relieve Mr. Pennell of his duties

and to place him under suspension till he shall have explained his conduct, and till his explanation shall have been considered. I am to recommend that Mr. Pennell should not be granted leave, should he apply for it, otherwise than on medical certificate, and should be instructed to remain in Burma till he has complied with the Chief Commissioner's orders and submitted an explanation of his insubordinate attitude.

2. I am to explain that the incident out of which this unpleasant situation has developed itself was the suspension by Mr. Pennell of Mr. Carstairs, Myoôk, serving in the Thongwa District. The Chief Commissioner has no doubt that Mr. Pennell expects to avoid the consequences of his contumacy by slipping out of the Province to Bengal.

3. I am to add that the present case is only the climax of a long series of acts of insubordination and impertinences of which Mr. Pennell has been guilty. Both the Financial Commissioner and the Commissioner of the Division in which Mr. Pennell serves have complained to the Chief Commissioner repeatedly of Mr. Pennell's conduct in this respect. The Judicial Commissioner also had reason to find fault with him on the same account. The Chief Commissioner was inclined to believe that Mr. Pennell was to some extent the victim of dyspepsia, and, in the hope that he would with better health develop better manners, spoke very seriously to him at Maubin about his attitude towards his Commissioner. Mr. Pennell promised amendment, but afterwards sought to make the Chief Commissioner's leniency appear to be an approval of his conduct. Following on this came the present correspondence, and the Chief Commissioner felt that he had no option but to read Mr. Pennell a severe lesson. If conduct like his were condoned administration would be impossible.

Annex 1.

Letter from the Commissioner of the Irrawaddy Division to the Chief Secretary to the Chief Commissioner of Burma, No. 4963—2-C.—21, *dated the* 22nd *October* 1894.

In continuation of my demi-official letter No. 4922—2-C—21, dated the 18th instant, I have the honour to submit copy of the marginally-noted letter, with its enclosures in original, from the Deputy Commissioner, Thongwa, to my address, with reference to Mr. Carstairs' suspension. I have issued, pending further orders, the following telegram to the Deputy Commissioner :—" Kindly reinstate Carstairs and get what work out of him you can pending orders of Local Government; also draw up formal charges against him and call on him for explanation."

Letter No. 2273 P., dated the 19th October 1894.

I do not feel justified, at this stage of the proceedings, in offering any comments on the merits of the case.

Annex 2.

Letter from the Deputy Commissioner, Thongwa, to the Commissioner of the Irrawaddy Division, No. 2273 *P., dated the* 19*th October* 1894.

In continuation of telegraphic correspondence on the same subject, I have the honour to report that I suspended Mr. F. F. S. Carstairs, Myoôk, on the morning of the 28th September.

2. The circumstances of Mr. Carstairs' suspension will be best understood after a narration of the events which led to his transfer here.

3. The officer first posted here was Mr. H. Macdonald. Mr. Macdonald is currently reported to be at the same time thoroughly corrupt and very clever, and both I myself and Mr. Matthews considered that his being placed in charge of the sub-division which formed the principal theatre of the Munro frauds would have a most disastrous effect upon the progress of the inquiry. I have reason to believe that that enquiry is extremely distasteful to the Secretariat mainly owing to the fact that several officers of a much higher position than Mr. Munro are compromised. If it was intended or wished to burke the case, no better instrument than Mr. Macdonald could have been chosen for the purpose.

4. I do not believe that Mr. Macdonald's character was known to the Chief Commissioner. But it was perfectly well known to Mr. H. Thirkell White, the Chief Secretary, who procured his appointment. Mr. Thirkell White himself told me of Mr. Macdonald in 1890. "That man has been suspected wherever he has been." Under these circumstances, I venture to submit that Mr. White acted improperly in recommending Mr. Macdonald's appointment to a place where corruption is so notoriously rife as at Maubin.

5. As soon as I got to know of Mr. Macdonald's appointment, I conferred with Mr. Mathews and with my subordinates at head-quarters, two of whom, Messrs. Drury and Durrant, I found were equally well acquainted with Mr. Macdonald's character. The result of our deliberations was that I wired to the Chief Secretary to stop Mr. Macdonald, and that next day I wrote Mr. White a very strongly worded demi-official letter, in which I stated that I would not allow the scandals connected with the Munro case to be burked.

6. I do not believe that Mr. White has shown this letter to the Chief Commissioner, as it was his duty to do. It contained allegations affecting four Deputy Commissioners, and would have brought to the Chief Commissioner's notice the fact that Mr. White was sending to Maubin a man whom he knew or had reason to believe to be a thorough scoundrel.

7. The connection between this and Mr. Carstairs is as follows:—I believe that Mr. White sent me Mr. Carstairs in place of Mr. Macdonald as a punishment for daring to object to the latter. The Secretariat records and the opinions of the officers under whom Mr. Carstairs has served must have shown Mr. White that he was not a good officer. Mr. White in writing to me demi-officially about Mr. Carstairs has said that his opinion of the latter was that he was "rather stupid" and "not very fond of work," but "quite honest." When in Rangoon in September last, I informed Mr. White that Mr. Fraser, Deputy Commissioner, Pegu, had just told me that he knew Mr. Carstairs to be corrupt. Mr. White replied in a sarcastic tone—"I think you had better have taken Mr. Macdonald." What I would submit for the Chief Commissioner's consideration is that his Chief Secretary has knowingly sent me a fool because I objected to a knave, or rather that in place of a man who was merely a knave he has sent me one who is both knave and fool.

8. It will be seen that even Mr. White admits that Mr. Carstairs is "rather stupid" and "not very fond of work." I go further. In Rangoon I met Mr. Fraser, the late Deputy Commissioner, Pegu, under whom Mr. Carstairs has recently been serving. Mr. Fraser told me that he knew Mr. Carstairs to be corrupt, to take money, that he was absolutely useless, and that every Deputy Commissioner under whom he had served had expressed the same opinion of him. I informed Mr. White of this within the next two days. It was then that Mr. White delivered himself of the remark I have quoted. The Chief Secretary did not consider that an allegation of corruption made by a Deputy Commissioner against one of his subordinates called for any enquiry. I trust that the Chief Commissioner will be of a different opinion.

9. The following are the opinions of Mr. Carstairs' last two superiors with regard to that officer:—

Mr. Fraser, Deputy Commissioner, Pegu, writes:

> "Served in this district as Head-quarter Myoôk. A poor Judicial Officer. His procedure in some cases and conclusions arrived at being most extraordinary. Peevish disposition, and prone to quarrel with the Police. I know nothing about him as a Revenue Officer."

N.B.—Mr. Carstairs has never done any work as a Revenue Officer.

Mr. Ross, Deputy Commissioner, Tharrawaddy:

> "I endorse so much of the above as relates to his judicial work. He is a feeble officer."

10. Considering that Maubin is one of the heaviest sub-divisions in Burma, that it has a land revenue of nearly six lakhs, a fishery revenue amounting even this year to Rs. 2,25,000 and normally to three lakhs, and that the total revenue is not less than twelve lakhs, more than all but a few districts; considering also that it has been very much neglected in the past, considering Mr. Carstairs' reputation, and the circumstances I have above mentioned, I think I am justified in attributing Mr. White's selection of Mr. Carstairs to personal pique, and I think that I am not only justified, but that it is my bounden duty, to bring these facts to the Chief Commissioner's notice, for the mischief which a man in White's position can do in this way is immense, and the officers of the Burma Commission have been accustomed so long to Government by Secretaries, that few of them will venture to call attention to it.

11. I think I have already succeeded in proving that Mr. Carstairs is not a fit person to hold charge of the Maubin Sub-division, if indeed he be a fit person to remain in Government service at all. He is certainly a man whom no private employer would retain for a month. I now proceed to the circumstances attending Mr. Carstairs' suspension.

12. Mr. Carstairs had not long been under me before I found that Mr. White's remarks as to his being "not very fond of work" did not err in the way of exaggeration. He contented himself with "forwarding" the reports of the township officers, which he asked should be accepted without enquiry on his part, "because

the matter had been long pending." He attempted to shelve his case work, small as it was, upon Mr. Thompson. I told him when he came here that what I most wanted him to do was to tour about the sub-division doing long pending revenue work and checking capitation tax which I know to have been grossly neglected last year. I found, however, that Mr. Carstairs' notions of touring consisted in going down to Kyaiklat, which is a more comfortable place than Maubin, and remaining there. I thereupon drew up a programme of tour for Mr. Carstairs and directed him to adhere to it.

13. I may add that although it is extremely necessary that the Sub-divisional Officer should go on tour, the discomfort of touring in the Maubin Sub-division is very great, specially at this season of the year when the mosquitoes are at their worst, and the country is nothing but an expanse of mud. Mr. Carstairs unfortunately belongs to a class by whom shirking one's duty, as soon as it becomes uncomfortable, is not considered disgraceful; and this explains a good deal of what follows.

14. I wished Mr. Carstairs to go out before the 23rd September, but as he desired (to use his own expression) to get into the run of things, I eventually fixed that date as the commencement of his tour which was to last for a considerable period.

15. I left Maubin for Rangoon on the evening of the 16th September. I returned on the 23rd (Sunday). It was then reported to me by Maung Kyaw Nyeim, Township Officer, that Mr. Carstairs had done no work since the Wednesday following. The next morning I got from Mr. Carstairs the note marked A (sent in original). To this I sent a reply to the effect that, under the circumstances, Mr. Carstairs need not go out for the next few days, but that I didn't think it could do his rheumatism any harm to go to Court, and that, as it was urgently necessary that a murder case (which Mr. Carstairs had postponed for wholly insufficient reasons from the 19th) should be tried, I wished him to do so.

To this he replied in the note marked B. I may add that I found afterwards that he had not tried the murder case nor any other case, although he had promised to transact *all* work where he was. What work he did I do not know. To the best of my belief there *was* no work but the cases.

16. The next day (25th) Mr. Carstairs attended Court, and I saw with my own eyes that there was nothing the matter with him. I then arranged with him that he should go out on the 28th.

17. I told him to take up the murder case at once, and on its being reported to me by the District Superintendent of Police that he had not done so, I sent for him and repeated the order. The matter was one of great urgency, as the Sessions Judge was sitting idle and wrote to me about the case. After going away Mr. Carstairs sent me a note asking me to allow him to postpone it till the next day. Rather than contend with him further I gave way.

18. The next day (the 26th) I had to send for him five times to get the case finished

19. Neither on the 25th nor 26th was anything said by Mr. Carstairs about his illness preventing him from going out on the 28th.

20. On the 27th Mr. Carstairs sent me the note marked C, which, with my reply, I send in original.

21. Some time after he sent me the note marked D. I may point out that if he fixed cases at Maubin for a time when I told him to be out on tour it shows that he had made up his mind to disobey my orders.

22. I then sent Mr. Carstairs the order marked E, which I attach.

23. Next day I received from Mr. Carstairs the letter marked F, with certificate, marked G, from Civil Surgeon. I would call special attention to the terms of that certificate. The Civil Surgeon does not state that it would be dangerous for Mr. Carstairs to go out; nor that it would do him any appreciable damage, but simply that he recommends that Mr. Carstairs should not go out into the district for two or three days. The same might be said in the case of a cold.

24. After a consideration of this certificate I formed the opinion that it did not justify Mr. Carstairs in disobeying my orders. I then sent him the order marked H.

25. To this Mr. Carstairs replied in the letter marked J on which I would remark that in stating that there was nothing "urgent" to do, Mr. Carstairs stated what he knew to be false. On receiving this note I sent for Mr. Carstairs to my house and sent for Mr. Thompson as a witness as to what happened. Mr. Thompson will also be a witness as to whether Mr. Carstairs was unable to go to the jungle. I may add that he walked without difficulty, but that for the purposes of his tour he would merely have had to travel by boat.

26. Mr. Carstairs once more refused in Mr. Thompson's presence to go to the jungle. I then suspended him.

27. I may add that the difficulty of dealing with men of Mr. Carstairs' stamp here is very great. A man of our own class of society would be ashamed to act in this way, but to talk of shame to a man like Mr. Carstairs is like talking of honour to Joseph

Surface. Maubin is an extremely unpopular station with a great deal of work to do, and what the Carstairs type of human being thinks is that he cannot be sent to any worse place and may easily, by giving sufficient trouble, be transferred to a better. What I would submit should be done is that an enquiry should be held as to the work which Mr. Carstairs has done since his confirmation in his appointment, and that his retention in the service of Government should be made dependent on the result.

28. The charges which I make against Mr. Carstairs are that he is idle, incapable, corrupt, and insubordinate. It is impossible for me to work this heavy district with Mr. Carstairs in charge of one of its sub-divisions, and unless he is adequately punished for his past misconduct, nothing can be more certain than that he will be one of my strength in whatever capacity he is employed under me. But the really important matter is, not what should happen to Mr. Carstairs, but what should be done to carry on his work, Thongwa is far and away the heaviest district of Burma, there are large arrears which are fast increasing, and I cannot clear them off without adequate assistance. The Chief Commissioner recognised in July that I ought to have two qualified Assistant Commissioners at Maubin, but I have never had them except in name. If in this letter I have written strongly, it is that my sense of the importance of clearing off arrears, and of the trouble and inconvenience which the present delays occasion, constrain me to lay before the Chief Commissioner what I believe to be the truth.

Annex 3.

Letter from H. Thirkell White, Esq., Officiating Chief Secretary to the Chief Commissioner of Burma, to the Commissioner of the Irrawaddy Division, No. 873-7-*C.*-20, *dated Rangoon, the* 26*th October* 1894.

WITH reference to your letter No. 4963-2-C.-21, dated the 22nd instant, and its enclosures, I am directed to forward, for your information and for communication to Mr. Pennell, Deputy Commissioner of Thongwa, a copy of a note containing the orders of the Chief Commissioner on the case.

Annex 4.

Note by Sir Alexander Mackenzie, K.C.S.I., Chief Commissioner of Burma, dated the 26*th October* 1894.

I am astonished that the Commissioner should have consented to receive and forward to me a letter of the style of Mr. Pennell's, No. 2273, of the 19th October. Mr. Pennell seems to look upon himself as the chartered libertine of the Burma Commission, and voids impertinences in his official and demi-official correspondence which would not be tolerated in any Government service elsewhere, and which it is high time should cease even here and from him.

Instead of giving a clear and direct report of his reasons for suspending his Subdivisional Officer, Mr. Carstairs, he enters on a long and altogether irrelevant statement of what he terms "the events which led" to Mr. Carstairs appointment.

This consists of a gratuitous and most unwarrantable series of libellous insinuations against the Chief Secretary to the Local Administration and the Secretariat generally, who are all to Mr. Pennell's warped imagination banded together to "burk" the "Munro case." Mr. White is charged with having had this sinister end in view when he got Mr. Macdonald appointed as Sub-divisional Officer of Maubin. When Mr. Pennell succeeded in stopping the intrigue by an uncompromising demi-official, the Chief Secretary sent him as a punishment instead of a "knave" pure and simple a "fool," or rather a man who was both "knave and fool." Mr. Pennell puts the coping stone on his impertinence in the closing sentence of his paragraph 10, where the Government of the Province is said to be left to Secretaries, and Mr. Pennell puts himself forward as the only man who has ever ventured to call attention to this fact. His self-complacency would be amusing were it not so malicious in its manifestations and mischievous in it results.

I need scarcely say that Mr. Thirkell White is not obnoxious to any one of Mr. Pennell's scandalous insinuations. He laid before me all his communications from Mr. Pennell on receipt, and took my orders on every point in the correspondence.

Mr. Pennell will forthwith withdraw the whole of his intolerably insubordinate letter of the 19th October, and will substitute for it a simple statement of the grounds on which he suspended Mr. Carstairs. He will also by return of post submit through the Commissioner a full and ample apology to Mr. Thirkell White for the false and malicious insinuations which he has dared to put on paper regarding that officer.

I am not sure that I ought not to suspend Mr. Pennell at once, or reduce him to a sub-division, reporting the facts of this and other cases in which Mr. Pennell has misconducted himself to the Government of India that he might be kept in Burma in a subordinate position until he learns how to behave himself decently, but I am willing to give him once more a *locus penetentiæ*.

As regards the appointments of Messrs. Macdonald and Carstairs, they were of my ordering. I am perfectly well acquainted with the record of both of them. I only agreed to cancel Mr. Macdonald's transfer because I knew Mr. Pennell to be in such a state of nervous tension at present that I thought it best to humour him if it could be managed, though under any other Deputy Commissioner I had no doubt Mr. Macdonald would have done good work in Maubin. I sent Mr. Carstairs in his place because it had been decided to try him in a sub-division, and there was really no one else available at the time.

Mr. Pennell in his paragraph 27 draws a contrast between the probable conduct of "men" like Mr. Carstairs and men of his (Mr. Pennell's) class of society. I am not aware that it is usual among gentlemen of the class in which Mr. Pennell's official status would *primâ facie* place him to quote, without permission, in official correspondence, remarks made to them in the confidential freedom of private and unofficial conversation. This is, however, what Mr. Pennell does, and on the strength of such remarks he launches the most serious charges against officers of whom he personally knows nothing. It does not seem to have occurred to him that a Deputy Commissioner may form a bad opinion of a subordinate and communicate this by way of warning to a brother Deputy Commissioner, while he would be hard put to it to prove any tangible misfeasance on the part of the suspected person. Mr. Pennell is, however, himself ready to charge a subordinate with idleness, incompetency, corruption and insubordination, before he has been under him a month. He will now have to prove his charges against Mr. Carstairs, and if he fails to do so, the consequences will be serious for Mr. Pennell.

The Commissioner will proceed without delay to get from Mr. Pennell a retractation of those of his charges which he is not prepared to press, and proof of all charges that he, in his cooler moments, decides to formulate.

The impression left on my mind by the papers forwarded by Mr. Pennell is that he treated Mr. Carstairs with extreme and unnecessary harshness, the result, as is now evident, of a strong and preconceived prejudice.

As Mr. Pennell refers with satisfaction to his demi-official of the 25th August, I may remark here that the reckless manner in which, not in that only but as a general rule in all his correspondence, Mr. Pennell asperses the work and character of the officers who have preceded him is something unique in my experience. He has no good word for any one but himself. I must say that so far I have seen little in his management of Maubin to warrant his self-complacency. His reports have all been months in arrears. The only thing that he seems to do *con amore* is to criticise the work of his predecessors and superiors, while he wastes his time in such long-winded impertinences as his letter of the 19th October, and that to the Judicial Commissioner about the Kromer case.

Annex 5.

Telegram from the Chief Secretary to the Chief Commissioner of Burma to the Commissioner of the Irrawaddy Division, No. 743, *dated the 22nd November* 1894.

Please see my No. 873-7-C.—29 of 26th October. Has Pennell complied with Chief Commissioner's orders. If not, is there any reasonable cause of delay. Telegraph reply.

Annex 6.

Telegram from the Commissioner of the Irrawaddy Division to the Chief Secretary to the Chief Commissioner of Burma, No. 232, *dated the 24th November* 1894.

Your 743. Pennell not yet complied with Chief Commissioner's orders, though two reminders sent. Your telegram repeated to him yesterday for explanation. No reply yet to hand; will send on receipt.

Enclosure 6 in No. 1.

Letter from Mr. J. P. Hewett, C.I.E., Officiating Secretary to the Government of India, Home Department, to the Chief Commissioner of Burma, No. 2080 *(Confidential), dated Calcutta, the 21st December* 1894.

With reference to your letter No. 936—7 C.—29, dated the 27th November 1894, forwarding copy of a correspondence concerning the conduct of Mr. A. P. Pennell, I.C.S., a Deputy Commissioner in Burma, I am directed to request that Mr. Pennell may be informed that he must remain under your orders until he complies with your order of the 26th October 1894 calling upon him to submit an explanation of his insubordinate attitude.

No. 2.

Letter from the Under Secretary of State to Mr. A. P. Pennell, No. 989 *(J. & P.), dated India Office, 29th June,* 1901.

I am directed by Lord George Hamilton to forward a copy of a letter, No. 54, dated the 30th May, 1901, from the Government of India, and of its enclosures, in which it is recommended that, for the reasons therein stated, you should be removed from the Indian Civil Service.

I am to request that you will state, within one month from the date of this letter, any reasons which you may have to urge against the adoption of the course proposed by the Government of India.

I am, &c.,
(Signed) A. GODLEY.

No. 3.

Letter from Mr. A. P. Pennell to the Under Secretary of State for India, dated 22nd July, 1901.

With reference to your letter No. J. & P. 989, dated the 29th June, 1901, I have the honour to solicit that the time allowed me to submit my reply to the charges against me may be extended to, say, the 10th August.

The charges are contained in 350 printed folio papers, and cover my whole service of nearly 16 years. My reply to them, though I am compressing it as much as possible, will necessarily be lengthy. I may add that my luggage came round by sea, and that in consequence I did not get many of the documents on which I rely till the 10th July. I hope, therefore, that my request for a little extension may not be deemed unreasonable.

I have, &c.,
(Signed) A. PENNELL.

No. 4.

Letter from the Under Secretary of State to Mr. A. P. Pennell, No. 1228 *(J. & P.), dated 23rd July,* 1901.

In reply to your letter of 22nd instant, I am directed to inform you that, in the circumstances mentioned by you, the Secretary of State for India consents to the extension to the 10th August next of the time within which you should submit the representation invited in my letter of the 29th ultimo.

I am, &c.,
(Signed) A. GODLEY.

No. 5.

Letter from Mr. A. P. Pennell, Indian Civil Servant, to the Under Secretary of State for India, dated 35, *Lancaster Park, Richmond Hill, London, S.W., the* 10/12*th August*, 1901.

With reference to your No. J. and P. 989, dated the 29th June, 1901, enclosing copy of a letter from the Government of India recommending my removal from the Indian Civil Service, I have the honour to submit the following reasons against the adoption of that course.

I would premise that I was suspended from my employment so far back as the 4th March, 1901, by the Government of Bengal, purporting to act upon the recommendation of the Calcutta High Court; the only information afforded to me as to the cause of my suspension being contained in a copy, annexed to the order suspending me, of a letter from the Registrar of the High Court to the Chief Secretary to the Government of Bengal. That letter (No. 600, dated the 4th March, 1901), is not among the enclosures of the Bengal Government's letter recommending my dismissal; but it is one of the enclosures to both the memorials which I have successively addressed to the Secretary of State, and His Lordship will find it printed among the enclosures of the Bengal Government's letter, No. 124, A.D., dated the 19th May, 1901, forwarding the second of those memorials. On a reference to it His Lordship will see that save and except a vague charge of " contempt," the nature of which contempt is not indicated, the only ground alleged for recommending my suspension is that I " did not hand over " a certain record; and though the letter does not state that I ever *refused* to make over this record (and, indeed, the allegation that I " declined to reply " seems to negative such a supposition), I presume it is intended to suggest the inference that I was *unwilling* to make it over.

But although this charge of failing to make over a record is the only one which has ever been brought to my notice by the authorities, who have first suspended, and are now proposing to dismiss me, I find from the papers enclosed with your letter that it has to all intents and purposes been abandoned, and that I have now to meet a number of general charges extending over my whole life, and which I have to extract as best I can from 350 printed folio pages; that I am accused of " malice," " malevolence," " incompetence," " falsehood," " morbid vanity " amounting to " delusion," " habitual " and " designed " insubordination, " repeated abuse of official position and powers," even with a " wilful " desire to provoke removal from the service. It is further thought necessary to refer to the facts that in my younger days I horsewhipped a man in Burma, in 1893, and made a high official very angry in 1894.

The first remark I have to make with reference to these charges is that, if they are really true—if the picture drawn of me by the Government of Bengal and the Government of India is a correct one—it is somewhat surprising that I should have been so long retained in responsible employment by official superiors who appear, I would submit, to entertain no very friendly feelings towards me; still more so, that when those superiors at length bestirred themselves to take against me the action which they should have taken years before, they should, with so many far more serious charges in reserve, have preferred to advance against me one which on the face of it is comparatively trifling, and which, whether trifling or not, is not now seriously pressed even by themselves.

In the next place I would point out that your letter of the 29th June was the very first intimation I have had of these charges, and was also the very first time that any one has given me an opportunity of being heard, either on the present charges or on that on which I was originally suspended. It is not that there was ever any difficulty in communicating with me or in asking for my explanation. I was suspended on the 4th March, and I did not quit India till the 15th May, nearly 2½ months later. The authorities throughout were aware of my whereabouts—indeed, I was all along praying—

clamouring if that expression be preferred—to be informed what *they themselves* charged me with (as they professed to be acting only on the recommendation of others), and to be given a chance of defending myself—clamouring so that the very loudness of my protests is stigmatised as revealing a "wilful desire to provoke removal from the service"—the very fact that I appeal to the Secretary of State against one act of injustice being made a reason for perpetrating another.

After being suspended I waited some days in the expectation that the Bengal Government, who professed to have suspended me merely because they were recommended to do so, would frame charges of their own, and would call for my explanation on those charges—and I was encouraged in this expectation by the fact that the Government of India's rules lay down that this must invariably be done when an officer is suspended, and, indeed, direct that it should be simultaneous with his suspension. As, however, no further orders reached me, I wrote to the Bengal Government on the 11th March, enquiring whether it was in contemplation to frame any charges against me, and whether I should be allowed to submit any explanation or to be heard in my defence. The Bengal Government informed me, on the 13th March, that they had no further information to give me. On the 18th March I addressed the Government of India, asking that they would be pleased to direct the Local Government either to reinstate me or to inform me what the charges against me were, and to give me reasonable facilities for defending myself. On the 20th March the India Government intimated that they declined to interfere with the orders passed by the Local Government, and referred me to the Registrar's letter for the reasons for my suspension—a clear indication, I submit, that I had nothing else to answer for to the executive authorities! The Local Government delayed for a whole day to send me this letter, though I had specially asked to get a reply, if it were intended to send me any at all, in time for me to write to His Lordship by the outgoing mail—and in consequence I despatched to the Secretary of State direct, on the 21st March, the memorial alluded to in paragraph 11 of the Government of India's letter, and two days later forwarded a copy (enclosure No. 38, of the Bengal Government's letter) through the usual channels. This latter copy was returned to me by the Bengal Government with a letter dated the 2nd April, but not received by me till the 6th April. On the 29th April I submitted a fresh memorial to the Secretary of State through the usual channels, which has been forwarded by the Government of India with their letter recommending my dismissal. A copy of this second memorial I sent home by my sister on the 30th April, and I hold for it your office receipt, dated the 4th June.

These facts, which I have briefly recapitulated for easier reference, are set forth in somewhat more detail in my memorial of the 29th April. It will be seen that I was all along pressing to be informed what the charges against me were, and to be heard in my defence; that both the Local and the (so-called) Supreme Government persistently refused to hear me in my defence either on the charge brought against me by the High Court, or on any other charge, or to give me any information whatever—that one memorial which I addressed to His Lordship so far back as the 23rd March has been withheld altogether—and that a later memorial, which I submitted through the Government of Bengal on the 29th April has only been forwarded when, by leaving India, I had taken the matter out of the local authorities' hands.

The anxiety of those authorities—of the Government of Bengal and of the Government of India—to keep the matter from His Lordship will be clearly apparent from the following circumstances. The Government of Bengal in their paragraph 23 complain of my having taken the "unusual course" of forwarding a copy of my (first) memorial direct, which they apparently put forward as an instance of marked insubordination. Whether it is "*unusual*" to send His Lordship copies of such memorials direct will be best known to your office; all I would submit is that there is no apparent harm in doing so, while from numerous communications I have received from other persons similarly circumstanced it seems to me to have been a very wise precaution. I may also point out that when memorializing the Government of

India I similarly sent a copy direct (it is printed as an enclosure to the Bengal Government's letter, No. 124, A.D., dated the 19th May, 1901—the letter forwarding my second memorial). It was not indeed a case of sending; I personally handed over the copy to Mr. J. P. Hewett, C.I.E., the Secretary to the Government of India in the Home Department, and got his receipt for it. Mr. Hewett asked me if it was a letter which had to come through the Bengal Government, and I said yes, and that I was sending a duplicate through them. Mr. Hewett then gave me a receipt in the following terms:—

> "Received a duplicate copy of a letter which is being submitted by Mr. Pennell through the Government of Bengal.
>
> (Signed) J. P. HEWETT.
>
> March 18th, 1901."

If there had been any objection to my sending a copy direct I submit that Mr. Hewett would have pointed it out, if not indeed refused to receive the copy. The fact that he received it without raising any objection shows, I submit, that he did not think there was any; and if there was no objection to my memorializing the intermediate Government direct, I submit there was none to my similarly memorializing the Home Government, and that the Bengal Government's remarks to the contrary merely reflect their disinclination to have the facts contained in my memorial brought to His Lordship's notice.

The Government of India are less candid than the Government of Bengal; they do not openly object to my sending the memorial direct, but only to other people knowing that I had done so—they complain of the facts being made public. (Vide their paragraph 11.) And indeed the predominant idea of the executive authorities seems to have been not so much to prevent His Lordship knowing the facts, as to prevent his knowing those facts *officially*.

In this connection I desire to invite His Lordship's special attention to the date of the Bengal Government's letter returning my memorial. The memorial was sent to them on the 23rd March, and a pencil note shows that they received it on the 25th, but it was not returned till the 2nd April, the first day after the close of the quarter on which the public offices were open. Now, Rule XIV., of the " Rules about the submission of Memorials addressed to Her Majesty the Queen or the Secretary of State for India " directs that a list of memorials withheld by the authorities in India shall be forwarded *quarterly* to His Lordship. If the Bengal Government had withheld the memorial in *March*, the fact of their withholding it would have been brought to His Lordship's notice almost immediately, but by delaying to issue orders on it until after the close of the quarter, they secured another three months during which His Lordship would have no *official* knowledge of the memorial: for the copy sent by me direct, not having been forwarded as prescribed in the rules, could have been ignored by His Lordship, had he been so disposed, under Rule No. 1. From paragraph 12 of the Government of India's letter, it appears that His Lordship was pleased not to ignore the memorial, but to communicate respecting it with the Government of India, but the action of that Government, and of its subordinate Government in delaying to return it (and in consequence to report its return) left to His Lordship the option of ignorance, and I submit that it was their hope and belief that His Lordship would exercise that option.

I have imputed the delay in returning my first memorial to the Government of India as well as to the Government of Bengal. It is true that there is no direct proof that the former Government was consulted; but as Lord Curzon was in Calcutta at the time, and my case was the burning topic of the day, I submit that he must have been consulted. I may add that I believe he was consulted by Sir John Woodburn even before my suspension; and that I myself saw Sir John Woodburn driving away from Government House (Lord Curzon's residence), looking very grave, at 6.0 p.m., on the 4th March, less than two hours before his Under Secretary handed me the order suspending me at the United Service Club. Whether I am correct in these surmises His Lordship can, if he thinks proper, enquire; I would only point out that I do not say that the consultation in either case was *official*, or that there will be any *record* of it.

I think it improbable that the quarterly return in which the withholding of my memorial is reported will have reached your office yet, or that it would reach your office in the ordinary course till after Parliament rises. The local authorities in India would thus, but for my coming home, have secured that His Lordship should have no official knowledge of my case until after the adjournment of Parliament.

It will be seen that the local authorities have not only refused me a hearing themselves, but have done everything in their power to prevent His Lordship giving me one. They withheld my original memorial, they took steps to secure that His Lordship should not know of their withholding it for months to come—they betray their irritation at my having sent His Lordship a copy direct, and their disappointment at his taking any notice of it—they withhold a second memorial until after I have left India, and then stigmatize my departure as "wilful desertion," in the hope apparently that His Lordship will treat it as such, and refuse to recognise me. With the charge of desertion I will deal at more length hereafter; my submission here is that their only object in advancing it was to secure, if possible, that I should not be given a hearing—to prevent His Lordship from taking the very step which he has taken.

An attempt has been made in paragraph 5 of the Bengal Government's letter, No. 124, A.D., of the 19th May (the letter forwarding the second memorial) to gloss over the delay of that Government in "issuing further orders" to me after my suspension. The ground alleged is that the appeal case (for the non-delivery of the records in which I was suspended) was not heard in the High Court until the 10th April—that judgment was not delivered in that appeal till the 17th April, nor in Mr. Reily's case till the 26th April, and that "while these cases were pending, it was impossible for the Lieutenant-Governor to issue any further orders to Mr. Pennell." I would point out that the High Court's opinion as to the merits or demerits of my judgment in the appeal case as to the guilt or innocence of the appellants, which alone was the subject of the appeal—could not possibly affect the question of my having failed to make over the record. If the High Court had intended to take any further action against me for that non-delivery, such action would have formed the subject of a separate proceeding—their approval or disapproval of my judgment in the case could not possibly have anything to do with that action. Mr. Reily's case had, if possible, even less to do with the charge on which I was suspended—a charge of not making over the record in a *separate* case. The Local Government had not the slightest pretext for professing to believe that the High Court intended to proceed further with the charge on which they had recommended my suspension, and as I shall show hereafter had on the contrary the best possible reason for believing that no further proceedings would be taken on that charge, the High Court having decided at a meeting held on the 6th March *not* to proceed further with it. Thus the reason assigned by the Local Government for their refusal either to reinstate me or to frame further charges against me altogether fails. But even if it be assumed for the sake of argument that the Lieutenant-Governor was for a time under the erroneous impression that the High Court intended to proceed with the charge of non-delivery of records, that impression must have been effectually removed by the receipt on the 23rd April of the Registrar's letter, No. 1049 (Enclosure, No. 41, of the Bengal Government's letter). In that letter it was formally intimated in the clearest possible manner that the High Court were unwilling to go on with the charge. I submit that on the receipt of that letter it was incumbent on the Local Government either to reinstate me, or if they had, or thought they had, anything further against me to tell me what it was—to let me know what I was accused of, and to hear what I had to say for myself. And Sir John Woodburn cannot say that he did not know where I was, or that he was unaware how anxious I was to meet any charges brought against me; for on the 29th April (six days after the High Court *formally* withdrew from the prosecution) I submitted to his Government my second memorial, the main purport of which was that no charges had been framed against me, and that I had not been given a hearing. Instead, however, of doing what the plainest dictates of justice required, the Local Government, after taking various steps against me behind my back, on the 9th May, proceeded, still behind my back, to recommend my dismissal on a number of vague and general charges, which had no connection whatever with the matter for which alone I had been suspended, and which alone had been brought to my notice.

I may point out that no explanation of the failure to acquaint me with these charges or to give me an opportunity of defending myself has been even attempted, either by the Bengal Government or by the Government of India, and that I have already submitted that this latter Government seems to have entertained the hope that His Lordship would follow their example by condemning me unheard.

The charge of unwillingness to make over the record of the murder case, although the High Court, which brought that charge, declines to proceed with it, has not been in terms abandoned. The Bengal Government in their letter forwarding my second memorial, have not gone into the merits of that charge, but have preferred to shelter themselves behind the authority of the High Court. " The Lieutenant-Governor considers " he says, " that it was not open to him to question the recommendation made by the High Court, or to refuse to act upon it." In paragraph 22 of their letter recommending my dismissal, the Bengal Government attempt to defend their action in suspending me for not making over the record by saying that if they had not suspended me for that they would have suspended me for something else. I submit that it is no excuse for wrongfully arresting a man on a charge of theft to say afterwards that if you had not done that you would have arrested him on a charge of bigamy, and that such an argument does not tend to prove the justice of the original charge, but rather the reverse. The Government of India, however, in their paragraph 12 reiterate the charge which the High Court has dropped, and which the Government of Bengal has not thought it possible to sustain. It is necessary, therefore, that I should deal at length with that charge, especially as its weakness and the unwillingness of the authorities to admit that the charge is and was unfounded, and to redress the wrong they did in summarily suspending me upon it, furnish, I submit, the key to the greater part, if not all, of what I think His Lordship will already consider their somewhat extraordinary proceedings.

For this purpose I would request that His Lordship will compare the Registrar's letter making the charge (of unwillingness to surrender the record) with the Government of India's paragraph (paragraph 12) supporting it. He will note that the arguments advanced by the Government of India in support of the charge are not to be found in the Registrar's letter. Nor, apparently, did these arguments commend themselves to the Government of Bengal, who may be presumed to have been in a better position than the Government of India to appreciate them. I proceed to deal with these arguments in detail.

First, it is said that I excused myself for not having made the reference to the High Court required by the law. His Lordship will search my memorial in vain for any such excuse. There was no reason why I should excuse myself for a thing of which I was not accused. The charge against me was not that I had not made the reference, but that I had shown unwillingness to make over the record on the 4th March. To meet this latter charge I state that I had shown myself ready and anxious to make it over *before* the 4th March (viz., on the *3rd* March) even though I had on that date two very good reasons for seeking delay, first, that there had been no time to arrange the record; second, that no letter of reference (which should have accompanied it) had been written.

If I had been *asked* to excuse myself for not having written the letter of reference, the simple but, I hope, all sufficient excuse which I should have given would have been that there was no *use* in writing the letter of reference till it could be despatched, and that it could not be despatched till the record was ready to go; that it would take several days to make up, page, and index the record, while it would take five minutes to write the letter of reference. It may be necessary to explain to His Lordship that the letter of reference is purely formal. I do not know what other Judges write, but all I have ever written (and I have had to make several such references, a man having been hanged under my orders as far back as 1895) is as follows:—

> "To the Registrar to the High Court, Appellate Jurisdiction.
>
> "SIR,
>
> "Under the provisions of sec. 374 of the Code of Criminal Procedure, I have the honour to transmit herewith the records of the case noted in the margin, and to request that they may be laid before the High Court for confirmation of the sentence of death passed upon the accused." (Here insert name.)

If what the Government of India mean is that there was undue delay in *making up the record*, I would reply, *first*, that this again is not what the High Court have charged me with; but, *secondly*, that there was not in fact any such delay; that so far from delaying, I took special measures, such as I have never before taken, to get the record ready quickly. The file (or rather files) were as stated by me in the Copying Department of my Court from the 16th to the 28th February. The Government of India affect to be making a great concession in "admitting that so much time was required in order that the judgment might be copied for the use of the appellants." In paragraph 12 of the Bengal Government's letter it is stated that I "surrendered" the record to the Registrar on the 6th March, but that "the record being very voluminous, the printing was not finished until the 27th of March." It seems to be the case of the High Court, and of the executive authorities that although the High Court did not as a matter of fact take up the case till the 10th of April, still they were, and always had been very anxious to take it up as quickly as possible (this, indeed, is put forward as their reason for calling for the record) at all events it is not their case that the printing of the record was purposely delayed. If it took the High Court 22 days to print the record, I can hardly be blamed for its taking me 13 days to copy it. The High Court have a very large staff, and I had a very small one. I had in my office only three "English copyists," *i.e.*, men licensed to copy English; and these "English copyists," and, indeed, I may say, even natives of much better education take much longer to copy English than an Englishman would. It was not a case of making a single copy of the judgment as the Government of India appear to think—three copies, not only of the judgment, but of the depositions, had to be prepared, one set of copies for the accused Sadak Ali (sentenced to death), a second for the accused Aslam and Anwar Ali, who filed a separate joint application (*each* accused I may note was *entitled* to have a separate set for himself), and a third for the District Magistrate, who had applied for them (as it subsequently transpired under orders of Government) as far back as the 29th of January, and had been continually renewing his application (vide my judgment, page 142,* of the High Court's Paper book, Part I). In addition to these copies, which had to be supplied free of cost, applications for copies were to be anticipated (and as a matter of fact were actually received) from Mr. Reily and other persons affected by the proceedings, and entitled under the rules to obtain copies on payment. (A list of these applications prepared by the Head Comparing Clerk of my office, is annexed—Enclosure A.) If the ordinary staff had been left to cope with this work, it would have taken them, perhaps, two months, so I placed my senior subordinate, Babu Lalit Kumar Bose, a Judicial officer of nearly 20 years' service, on special duty to superintend the copying, and drafted into the copying Department every man I could spare, either from my own office or from those of my subordinate Judicial Officers at head quarters. By dint of strenuous exertions these men succeeded in getting through the copying by the 28th February, although three of the days were Sundays and holidays (they worked on all these, except one day, which was not merely a Sunday but also the first day of the Dol Jatra, the great spring festival of the Hindus), and although on two other days many of them were commandeered by the Executive authorities for work in connection with the approaching Census.

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* *Vide* Appendix, page 248.

It will be seen that the delay from the 16th to the 28th of February was unavoidable, and this is, indeed, conceded, though grudgingly, by the Government of India. That Government, however, urge that "there was in our opinion no reason whatever for the subsequent delay." This subsequent delay, I would point out, was a delay of *three days*; and the Government of India have omitted to mention the facts that Noakhali is over 300 miles from Calcutta, and 26 miles from the Railway; that the 1st and 2nd March were days on which I, in common with all officers under the Government of Bengal, had been ordered to suspend work on account of the Census, and that the 3rd March was a Sunday.

If I had really wanted to keep the record from the High Court; if I had really been "unwilling to surrender" it, as alleged by the Government of India, I submit that the very last thing I would have done was to go with it, directly I got in from the Copying Department, straight to Calcutta, where the High Court is.

The record, or rather *records*, when returned to me from the Copying Department were not in order. The files (which include, I may say, a large number of papers not printed in the High Court's paper-book) had not, with a few exceptions, been paged or indexed. Moreover, they were all loose, as they had been divided into pieces to facilitate the copying. The indexing I may say involves a description of each separate paper. It will hardly, I think, be denied that, whether rightly or wrongly, I attached extreme importance to the integrity of the records, and this necessitated the closest supervision of the men doing the work of indexing and paging (as it had in the case of the copying, the Munsif Babu Lalit Kumar Bose giving his whole attention to it). I had thus, if I had wished, an excellent excuse for retaining the record several days longer at Noakhali, but instead of doing this I started off with it at once, travelling on a day on which I was not supposed to do any work, and taking with me, for the purpose of putting the record in order before I made it over to the High Court, three of my most trustworthy men, the Serishtadar, who is head of the whole ministerial establishment, the (officiating) Head Clerk, who is in subordinate charge of the English Department, and the Sessions Clerk, whose duties are more immediately connected with Sessions records.

The journey from Noakhali to Calcutta is long and tedious; so troublesome in fact that my permanent Head Clerk on this occasion took leave on account of ill-health rather than perform it. There is first a road journey of 26 miles; then 50 miles by rail (the train leaving at 1.0 a.m.) then 100 miles or so by steamer; then another 150 by rail. I left Noakhali on the afternoon of Thursday, the 28th February, and arrived at Calcutta, as stated by the Government of Bengal, late on Friday, the 1st of March.

Saturday, the 2nd March, was, as I have stated, a holiday; nevertheless, I made the men work at arranging and indexing the records, and some little progress was made. More might have been done but for the fact that owing to ill-health, and being tired from my journey I was obliged to send the men away and lie down, as I repeatedly found myself falling asleep.

The 3rd March was a Sunday. On that day I was occupied in seeing Mr. Chapman, who came to get the record on behalf of the Chief Justice, in consulting Mr. P. L. Roy as to whether it would be proper for me to make it over in the informal manner proposed, and in going with it to the Chief Justice's house, and unsuccessfully attempting to deliver it to him there.

On the 4th March I endeavoured to swear affidavits to be used in support of an application which I intended to make to the Registrar as directed by the Chief Justice. Before I could make this application I was suspended.

There is thus no ground whatever for the contention of the Government of India that subsequent to the 28th February there was any unnecessary "delay" on my part. I may point out that when I eventually "surrendered" the record on the 6th, it was still not made up (for I had purposely done nothing to it in the interval), that in consequence it was over an hour and a half before Mr. Sheepshanks could give me even a provisional receipt, and that it was not till a week after that I got the receipt in the usual form to which a person making over important papers of this kind is generally considered to be entitled.

I may say that I find it somewhat difficult to understand what is the theory of the High Court or of the Government of India with regard to my unwillingness to make over the record or to make the reference required by law. It can hardly be that I did not know when writing my judgment that I would have to make a reference, for I have been a Judge over six years; moreover the Government of India themselves point out that the judgment terminates with the words "the proceedings will be submitted to the High Court for confirmation of the sentence of death passed upon the accused, Sadak Ali." Nor can it be that I had written my judgment in haste, and repented of it; for as the High Court points out, I took 16 days to write it; "it is not as if he had in an unguarded moment given utterance to some ill advised expression"—my action was deliberate—I knew perfectly well all through what I was doing. After delivering judgment I took every step in my power to place the record before the High Court as quickly and as safely as possible, myself accompanying it to Calcutta for the purpose.

My attitude in the matter will appear from the following passages of my judgment (page 155* of the Paper-book).

> "These matters will show the High Court and the public the good or bad faith of the executive authorities—of the Government of Bengal and of the Government of India.
>
> "They will also show—and this is their relevance here—the meaning and point of Exhibit X18, for they show what the independence of the Judiciary in India really amounts to.
>
> "The mills of God grind slowly, but they grind exceeding small; and I cannot but regard it as a very special dispensation of His Providence that the action of the executive authorities in this case has enabled me to represent these matters in such a manner that the High Court cannot avoid, *even if it wished*, taking judicial notice of them. . . . As for Sir John Woodburn's treatment of me, I confront the High Court with this dilemma, either I am not telling the truth, in which case I am not fit to try the King's subjects for their lives; or I am telling the truth, in which case Sir John Woodburn is not fit to be employed in the King's service."

It was very necessary that I should lay the case before the High Court, otherwise they would not be confronted with that dilemma. And the course on which I was taking them was one on which there was no running out. I knew well enough that the High Court would not thank me for bringing these matters to their notice; they would much rather have had the option of ignoring them. But my design was so to bring these facts to their notice that every one in India taking the slightest interest in public matters would be aware that they knew of them, and would be aware also if they shirked the responsibility of facing them—as in point of fact they have shirked it.

Under these circumstances I fail to comprehend why any one should accuse me of unwillingness to make over the record, it being essentially necessary from my point of view that the record should be made over. Still, that *is* the charge! And it is the *only* charge on which I was suspended, or which I have heard anything of till the 29th of June!

No doubt the Government of India repeat the vague accusation of "contempt" contained in the Registrar's letter. But they also do not indicate in what the contempt consisted; and it seems more than doubtful whether this contempt is anything else than the non-delivery of the record. If it is intended to suggest that I was impolite to Mr. Sheepshanks, all I can say is that I should very much regret it if I had been, but that I have met Mr. Sheepshanks privately several times since, and from his manner he does not appear to have any personal grievance against me.

So much for the arguments of the Government of India as to the merits of the charge on which I was suspended—a charge which the High Court does not wish to go on with, and which the Bengal Government makes no attempt to support, but which the India Government is unwilling to withdraw. But the Government of India not only attempts to support that charge on its own merits, but shows its own opinion as to the probable success of that attempt by adopting the contention of the Government of Bengal, that the executive authorities were not concerned with the merits of the charge, but were bound to adopt the recommendation of the High Court without question. "The Government of Bengal," says the Bengal Secretary's letter forwarding my memorial "formulated no charges against Mr. Pennell, because the High Court's letter recommending his suspension contained the grounds on which the recommendation was made, and rendered it unnecessary for this Government to do anything more than take the formal action of applying certain sections of the law.

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* *Vide* appendix, page 256.

" . . . . It is not the duty of the Lieutenant-Governor to enter on any discussion with Mr. Pennell as to the grounds of the recommendation contained in the High Court's letter, No. 600, dated the 4th March, 1901." Similarly the Government of India remark, "In our opinion it was not necessary that any charges should be framed, or that any explanation should be demanded from Mr. Pennell, before the order for his suspension was passed." In other words the High Court had only to recommend my suspension, and the Local Government was bound to suspend me.

It is, I submit, a sufficient answer to this contention to point out that the Local Government in suspending me purported to act under certain Acts, and that these Acts place the power of suspending me not with the High Court, but with the Local Government. Further, these Acts give the *High Court* the power of suspending certain subordinate Judicial Officers. It is clear therefore that the Legislature has drawn a distinction between these subordinate Judicial Officers and District Judges, whom the Local Government alone can suspend; but this distinction would be a distinction without a difference if the Local Government were bound in every case to carry out the High Court's recommendation without question. If the Legislature had intended that the High Court should decide whether a District Judge should be suspended, they would have vested the High Court and not the Local Government with the power of suspending him.

The defence which the Local Government have set up, and which the Government of India have adopted, seeks to transfer the responsibility for my suspension from their own shoulders to those of the High Court. And this defence, for the reasons given, wholly fails. It is the Local Government, not the High Court, which has suspended me. As I pointed out to the Government of India as early as the 18th March (letter, No. 2, Suspension, printed as an enclosure to the Bengal Government's letter, No. 124, A.D., dated the 19th May, 1901). "The recommendation of the Chief Justice or of certain Judges is obviously in itself an insufficient reason for suspending me; whoever may have recommended them to take the step, the responsibility for my suspension rests with the Local Government, and with them alone."

I would point out also that the responsibility of the Bengal Government, and of the India Government, which declined to interfere with its orders, extends much further than merely *suspending* me without enquiry on the recommendation of the High Court (which might possibly be justifiable in some cases of extreme urgency). Their case is that they were bound not merely to suspend me on the recommendation of a third party, but to keep me under suspension for an indefinite period, and without listening to anything I might have to say for myself. And on their own showing they did so keep me under suspension from the 4th March till the 23rd April; the Government of India declining to interfere with the orders passed by the Government of Bengal, and the Government of Bengal withholding the memorial in which I endeavoured to complain of those orders to His Lordship!

And if, as I submit there can be no doubt, it was the duty of the Local Government to form an opinion for themselves as to whether I should be suspended and kept under suspension—if the decision and the responsibility were theirs—then I would further submit there was a very special reason why they should have acted with the most extreme caution and circumspection. That reason was the strong personal interest which Sir John Woodburn himself had in the case for non-delivery of the record of which I was suspended. As I had pointed out in my judgment, he or I had to go, and it is natural to suppose that the Lieutenant-Governor would prefer that it should be I who went, and not he; at all events he should, I submit, have appreciated the fact that the outside world were hardly likely to consider him an ideal tribunal, and that it was desirable that he should avoid not only all unfairness, but all appearance of unfairness towards me. I submit that on his own showing he has acted on the statement of a third party made behind my back, and has refused me any opportunity of refuting that statement.

I may add that Sir John Woodburn must from a very early stage, if not from the first, have been aware of facts which rendered the charge of unwillingness to make over the record a very improbable one, which should, at all events, have suggested to his mind that there was a possibility of a misunderstanding, and that it was fair to give me a chance of clearing it up. From the correspondence annexed to your letter it appears that the two Governments are in the habit of reading the newspapers. With the exception of the "Englishman," which in these matters is more or less under Government control, there is hardly a newspaper in Calcutta, English or Native, which did not comment on my suspension; and there were very few which had a word to say in support of it. The "Indian Mirror," which is edited by an eminent barrister (who shortly after presided over the Bengal Provincial Congress) urged that my suspension was not only wrong on the merits but illegal, and that I had good cause of action against the Local Government. So early as the 11th of March the "Bengalee," the organ of the Honourable S. N. Banerjee (who has been nominated by the Bengal Legislative Council for a seat on the Imperial Council), in an article dealing exclusively with the merits of the case pointed out how grossly improbable *primâ facie* the charge of withholding the records was. "Was Mr. Pennell," it said, "guilty of gross misconduct in withholding the records of the Noakhali murder case? Apparently Mr. Pennell came all the way to Calcutta from Noakhali, accompanied by his Sheristadar and his Sessions Clerk, with the express purpose of handing over in person the records of the murder case to the High Court. Mr. Pennell rightly or wrongly believed that the executive were doing their utmost to burke all inquiry into Mr. Reily's case, and in order successfully so to burke it, the executive would necessarily try to secure an acquittal in the murder case out of which has arisen the case against Mr. Reily. Whether Mr. Pennell's belief was well-founded or not, whether Mr. Pennell's belief was right or wrong, are questions with which we are not at present concerned. It is sufficient for our present purpose to find that such a belief did exist in Mr. Pennell's mind, and Mr. Pennell thought, whether rightly or wrongly it does not matter, that the Exhibits in the murder case were documents with which it was the interest of the executive to tamper, in order successfully to spoil the murder case. It was, we think, on account of these beliefs, that Mr. Pennell thought it necessary to take special care to see that the records reached the High Court safely, and that on their way to the High Court the executive had no opportunities of getting at them. And it was with this object in view that instead of transmitting the records through the usual channels, Mr. Pennell thought it necessary to bring them in person to the High Court. The whole object of his visit to Calcutta, therefore, was to make over the records to the High Court. It is unaccountable, therefore, that Mr. Pennell should without any cogent reason decline to make over the records to the High Court as he is said to have done. Besides from a perusal of the judgment in the murder case (in respect of the merits of which, for obvious reasons, we reserve our comments for the present) it is clear that Mr. Pennell has raised a number of issues on which he wants the decision of the High Court. It is clear, therefore, that he would be most anxious to see the records safe in the possession of the High Court; and that we consider to be another and a stronger reason for his not declining to make over the records to the custody of that Court. And yet the distinct allegation against Mr. Pennell is that he declines to comply with the High Court's order to make over the records of the murder case!" These are native newspapers. But the "Statesman," the most largely circulated English newspaper in India, had a leading article about the end of March condemning my suspension; the

"Indian Daily News," in publishing a press communique on the 6th March as to the cause of my suspension, said that this was the "official version," and added later that it was not very clear how I came to be suspended; while "Capital," the leading financial paper in India, in an article which the "London Times" has thought worthy of notice, remarked (in its issue of 4th April) "We have the spectacle of the Judges of that Court (the High Court) requesting the Government of Bengal to suspend Mr. Pennell for refusing to deliver up the records of the case, when it was as clear as noon-day to the meanest understanding that Mr. Pennell was only too anxious to do so, to some properly authorized officer."

Yet the Lieutenant-Governor, aware as he must have been how his motives were likely to be construed, not only kept me under suspension on this charge, but refused to give me a hearing. The Government of India endorsed and approved his action. And laudable as they now make out that action to be, it seems to have been the predominant idea of both Governments to prevent His Lordship from getting to know of it!

I have dealt with the arguments advanced by the two Governments in support of the charge, and in defence of their own action with regard to it I will now turn to the High Court, and will show whether or not *they* have proved the charge.

All I think I need say is that I do not *admit* the charge, that it does not prove itself, and that the High Court have refused to offer any evidence in support of it. They have not had the manliness to withdraw it and acknowledge themselves in the wrong, but they decline to go on with it.

They purport to have acted not on their own knowledge, but on a report—oral or written, I know not—of Messrs. Chapman and Sheepshanks. That report has never been brought to my notice or otherwise made public.

They do not profess to have given me any notice of the action they were taking against me or any opportunity of showing cause against it—the very first thing I submit that any person or body acting *judicially* would do.

The Bengal Government, in forwarding my memorial of the 29th April, say that my statement (in paragraph 9 thereof) that I had "neither notice nor knowledge of the proceedings of the High Court" is altogether incorrect, for that I had received a copy of the Registrar's letter to the Chief Secretary. As immediately before that statement I had referred to the Registrar's letter, it will, I hope, be clear to His Lordship, and it should, I submit, have been clear to the Government of Bengal, that I did not mean to deny receipt of that letter (which is indeed enclosed with my memorial) but to say, as I say now, that I was not apprised as I should have been of the proceedings held by the High Court before that letter was despatched.

I submit that it is no ordinary departure from the principles of justice usually recognised by our Courts which the High Court of Calcutta have taken in this case; and I would further submit that their action in trying me for my alleged "misconduct" in secret, and without giving me a hearing is opposed, not only to natural justice, but to positive law. To show this I cannot I think do better than insert here an article which appeared in the "Bengalee" of the 14th March written, I understand, by a native barrister of long standing. Not only are the arguments cogent, and, indeed, conclusive, but their publication at that early date will show His Lordship, *first*, that those arguments must have been present to the minds of the High Court and of the two Governments from a very early stage of the period of my suspension; *secondly*, what the people of the country are likely to think of proceedings such as these.

"THE BENGALEE."

Thursday, March 14, 1901.

MR. PENNELL'S SUSPENSION.

III.

We have seen that the law, as embodied in Section 26, Cr. P. Code, and Section 31, Bengal Civil Courts' Act, does not apply to Mr. Pennell's case, even if the most extreme view was taken of the facts to which that law has been sought to be applied. We have seen besides that those facts, at least so far as they are at the present moment in the possession of the public, do not warrant the inference of "gross misconduct and insubordination" on Mr. Pennell's part. But we are told that Mr. Pennell has been suspended from his office by the Local Government on the recommendation of the High Court. And we shall now proceed to examine into the circumstances attending the inquiry into Mr. Pennell's conduct by that Court which resulted in that recommendation. We are informed that the learned Judges held a meeting *in camera,* and that at that meeting a majority resolved to recommend Mr. Pennell's immediate suspension to the Local Government. And we are told besides, that at that meeting of the Judges Mr. Pennell was not present. If these facts are true, it is clear (1) that the High Court constituted itself on this occasion into a secret tribunal for judging what must appear to everybody to be a most important case; and (2) that the High Court on this occasion departed from its ancient traditions, and, in direct opposition to the first principles of British jurisprudence, has condemned a man unheard. Now, let us see if the High Court was legally justified in deciding Mr. Pennell's case *in camera.*

If we look into the provisions of Section 33 of the Bengal Civil Courts' Act, under which the High Court is vested with the power to suspend Munsiffs from office, we shall find in the first place that the High Court "may appoint a Commission for enquiring into the alleged misconduct of any munsiff," and "on receiving the report of the result of any such inquiry, the High Court" may suspend such munsiff. It is clear, therefore, from Clause I of Section 33 of the Bengal Civil Courts' Act, that the High Court may in the case of a munsiff appoint a Commission of inquiry. That Commission after inquiring into the matter has to send in to the High Court a report embodying the result of such inquiry. The Commission appointed under the provisions of this section, while inquiring into the case of misconduct, must do so in the ordinary way, that is, by recording evidence. And it goes without saying, that the report of the Commission on which the High Court is to act, must be based on that evidence. So that it is clear from the law itself, that in the case of munsiffs accused of misconduct, if the High Court appoints a Commission of inquiry, that inquiry must be a judicial inquiry, in which evidence is to be recorded and a report is to be submitted based on that evidence. The last clause of Section 33 of the Civil Courts' Act, lays down that "the High Court may, without appointing any such Commission, remove or suspend, &c." Reading the two clauses together, it is clear that the High Court in suspending a munsiff, must either inquire through a Commission or inquire by itself into the charge of misconduct against a munsiff before it can suspend such munsiff from his office. That is, in either case, whether there is a Commission appointed or not for the purpose, the High Court must make an inquiry into the charge of misconduct against a munsiff before such munsiff could be suspended. And an inquiry by the High Court can only mean a judicial inquiry. The English Committee of the High Court is an administrative body, and if the English Committee has to make an inquiry into any matter, that inquiry need not be a judicial inquiry. But the English Committee is not the High Court. And the law, if we are correct in our view of it, makes an inquiry into the charge of misconduct against a munsiff obligatory on the High Court. And in this connection we cannot do better than to quote the words of Mr. Justice Dwarkanath Mitter, reported at page 212 of the "Weekly Reporter," Vol. XVIII. That learned Judge said :—

"The word High Court used in the 33rd Section of the Bengal Civil Courts' Act ought to be interpreted to mean the High Court acting in its judicial capacity; and the very nature of the ground upon which alone that Court can proceed against a munsiff clearly shows that every action taken by it under that section must be taken in a strictly judicial manner. To find a person guilty of misconduct, otherwise than in a judicial manner, is not the province of a Court of Justice." Now, it is clear from the above quotation that in the case of munsiffs when it has to decide under the Bengal Civil Courts' Act the High Court always acts in its judicial capacity as a Court of Justice.

And it follows as a corollary to this proposition that in such cases the High Court, being a Court in every sense of the term, has not the power to decide such cases *in camera* and *ex parte.* The High Court has power under this Chapter of the Bengal Civil Courts' Act under Sections 32, 33, and 34 only. Section 31 of the Bengal Civil Courts' Act does not confer any powers on the High Court. And it is only under Section 31 of that Act that a District Judge can be punished with suspension or removal for misconduct. This section gives the Local Government power to suspend or remove all judicial officers except Judges of the High Court, and the following sections give power to the High Court to suspend all judicial officers other than district judges, while Section 33 gives power to the High Court not only to suspend but also to remove, if necessary, a munsiff from his office. In respect, therefore, of Section 31, it is clear that if the High Court wants the Local Government to take any action under that section against a district judge, the High Court is in the position of an advising body. But whether it is an advising body or not, it is always a Court. And as a Court it is always a judicial tribunal. Whether it advises the Government to take a particular action against an offending district judge or whether it decides cases which come before it, in every capacity and at all times the High Court is first of all a judicial tribunal. And, therefore, even when merely advising the Local Government the High Court must base its advice on grounds arrived at in a judicial manner by a judicial inquiry; for the judicial characteristic is inseparable from the very constitution of the High Court, and what we have said of the High Court in relation to the provisions of Section 31 of the Bengal Civil Courts' Act is equally true of that Court in relation to the provisions of Section 26 of the Code of Criminal Procedure. For under that

> section also it is the Local Government alone which has the power to suspend or remove a sessions judge from his office. Now, from what we have said it is clear that if the High Court advised the Local Government to suspend Mr. Pennell under Section 31 of the Bengal Civil Courts' Act and under Section 26 of the Code of Criminal Procedure it was incumbent on the High Court to hold a judicial inquiry into Mr. Pennell's case, for the advice of the High Court to the Local Government in order to be legal was bound to be based on a judicial inquiry. We must, confess, therefore, that we cannot help thinking that the meeting of the Judges *in camera* and the recommendation to Government for the suspension of Mr. Pennell, which was the result of that meeting, were *ultra vires.*
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> In respect of the second point that we have raised in the article, it follows as a necessity, if what we have said, about the constitution and powers of the High Court in dealing with the first point, is true. If the High Court is at all times a judicial tribunal, if the High Court could not under the law advise the Local Government to suspend Mr. Pennell without holding a judicial inquiry into Mr. Pennell's case, it must follow as a necessary consequence that the High Court, before advising the Local Government to suspend Mr. Pennell, was bound to hear him in his defence. It is highly repugnant to all our notions of justice and of fairplay that an accused person should be convicted unheard and the law, in laying down the principle that no man shall be condemned unheard, has only voiced the feeling which is present in every man, that every accused person should be heard in his defence before he is convicted of an offence. And certainly it is the duty of every Court of Justice, and therefore, of the highest Court in the land to see that this principle of law is kept inviolate in every case. The new departure, therefore, made by the High Court in Mr. Pennell's case of condemning him unheard has come as a painful surprise to the public. It cannot be said that the exigencies of the occasion demanded prompt action on the part of the High Court, and as time was of the utmost consequence in this case that Court was justified, in view of the urgency of the case, in departing from its ordinary practice. There is nothing in the facts of the case so far as they have transpired up till now, which shows that a great and irreparable evil attended with consequences of serious import to the public weal would have followed, if Mr. Pennell had not been immediately suspended from his office. In view, therefore, of all the circumstances of the case we are driven irresistibly to the conclusion that the action of the High Court in Mr. Pennell's case has been, to say the least, unfortunate in the extreme, and it is all the more unfortunate because it is giving rise in the public mind to vague surmises which are unpleasant on account of their very vagueness. Hitherto the public have always looked upon the High Court as their only safeguard, their only protector against an all powerful Executive. And it will not be to the interests of good government that such an impression should be removed from the public mind.

To put the case briefly, the finding on which the High Court's recommendation for my suspension was based—the " opinion " expressed in paragraph 4 of the Registrar's letter " that Mr. Pennell's behaviour in this matter amounts to misconduct within the terms of Section 26 of the Code of Criminal Procedure, 1898 "—could not be arrived at, under the law, without a *judicial* enquiry; for, as Mr. Justice Dwarkanath Mitter *judicially* held, " to find a person guilty of misconduct, otherwise than in a judicial manner, is not the province of a Court of Justice."

And to show that the feeling of distrust and suspicion which this unprecedented procedure of the High Court engendered was not confined to the native community, I cannot do better than continue the quotation from " Capital " to which I have already referred. After alluding to the High Court's recommendation and to a previous act of the Chief Justice's, to which I shall have to advert later on, the article proceeds " The consequence (of these proceedings) is that an impression has been created that the Chief Justice has made an unholy alliance with the Government of Bengal, whereby the support of the High Court will be given to the Executive acts of Government in preference to the furtherance of law and justice " (" Capital," issue of 4th April, " Some aspects of the Pennell case ").

There is yet one other aspect of the High Court's action to which I desire to invite His Lordship's attention—it is the extreme and *primâ facie* unaccountable anxiety that I should not only be suspended, but suspended *at once.* This anxiety is reflected in the peremptory terms of the Registrar's letter. The Chief Secretary is requested to *immediately* lay the matter before the Lieutenant-Governor; the Registrar is to recommend that the Local Government do *immediately* issue an order for my suspension, and to request that the Court may be *at once* informed of the orders issued. Such language, I submit, is hardly decorous or dignified, especially when addressed to an authority who, *quoad* the matter in hand, was in no way subordinate to the High Court, and in no way bound to accept their recommendation.

This anxiety of the High Court (or rather of a majority of that body) for my *immediate* suspension, should I submit, be considered in the light of two other circumstances—the first, their unwillingness, on the face of it quite unaccountable, that I should come to Calcutta, the second, the equally unaccountable, and also inconsistent, anxiety of the Criminal Bench to get the record out of my possession.

The Bengal Government say (paragraph 7):

> "Mr. Pennell, having delivered his judgment, by which one man was sentenced to death and two to transportation for life, applied on the 20th of February for casualleave. His application was received on the 23rd, [I may note that it must in the ordinary course of post have been received early on the 22nd, but this is detail] and in accordance with the usual practice, the High Court were asked by this Government whether Mr. Pennell's application should be granted. On receipt of their reply to the effect that his application should not be granted at present, Mr. Pennell was informed accordingly. Thereupon Mr. Pennell . . . . . . came to Calcutta. I was then directed to ask the High Court on the 2nd of March whether they had given Mr. Pennell any leave to come to Calcutta, and whether it was their wish that he should remain in Calcutta or be ordered back to his station, Noakhali, which he had left without orders. The High Court replied that they had not given Mr. Pennell leave; that they did not wish that he should leave Noakhali at present for various reasons, one of them being that the record of the capital sentence case had not up to the 1st been received by the High Court: and that in their opinion he should be ordered to return to Noakhali at once. Thereupon Mr. Pennell was ordered, in my letter No 1480A.B., dated the 3rd of March, to leave Calcutta at once and return to Noakhali. He did not obey those orders."

The Bengal Government apparently wishes to suggest that it was unseemly for me to apply for casual leave after delivering judgment in a murder case. If that is their suggestion I would point out that Sessions Judges in Eastern Bengal are constantly trying murder cases—if I have tried one such case I have tried a hundred; when I was Additional Sessions Judge of the neighbouring District of Backergunge in 1895-96, I did little else but try such cases. It was never then considered a reason for prohibiting me to come to Calcutta, on days on which my Court was closed, that I had just delivered judgment in a murder case. The Criminal Bench of the High Court, who profess to have been so anxious to take up the case, did not think proper to curtail their Easter vacation (which was a week longer than that of the ordinary Courts) by a single day for that purpose. My leaving my station would not delay the submission of the record, for first, as pointed out in my letter applying for leave, the days of my absence were all (except one) public holidays; secondly, I intended taking the record with me to Calcutta.

No doubt this latter fact was not stated in my letter asking for casual leave, nor was it stated where I meant to go. As I have informed His Lordship in my memorial of the 21st March, the reason why I thought it necessary to take the record to Calcutta myself was that I feared Sir John Woodburn would tamper with it if I sent it in the ordinary way. For this very same reason I did not at first say what I proposed to do, hoping that perhaps he might not guess it.

The Government of Bengal say that their referring my application to the High Court was "in accordance with the usual practice." I am constrained to point out that under the Circular they had just issued (vide their paragraph 5 and enclosure No. 21) no such reference is necessary or contemplated. The real reason why they made any such reference is, I would submit, that they wished to shelter themselves behind the High Court. And I would further submit that the terms of their letter of reference and of the High Court's answer are not given, nor is it clear whether the reference was official or demi-official, or whether the "High Court" means anything more than Mr. Justice Rampini, as it meant in December last (vide Mr. Chapman's telegram, Exhibit X9 of my judgment, page 103* of the High Court's Paper-book, Part II.). It is not, perhaps, a very violent presumption that the Government of Bengal arranged beforehand with the "High Court" how their reference should be answered.

Be that as it may, the "High Court" in recommending that my application should not be granted at *present*, were aware:—

1. That the days for which I sought leave were all (with one exception) holidays.

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* *Vide* page 337.

2. (If a copy of my application was sent them) that I alleged that I had been "hard at work continuously, Sundays and all holidays included, ever since my return from Calcutta after the New Year."

And if (which is not clear) their reply covered the second of my applications, they were unwilling that I should be absent from my station even on days on which I was not expected to work.

I would further point out that in recommending that my application should not be granted *at present*, the "High Court" must have been well aware that they were practically negativing it altogether, for there were no more holidays for a considerable time, and if I had applied for casual leave later on, the Government would have at once refused it on the ground that I had work to do, and that under Rule (1) of the Circular "Casual leave can only be allowed consistently with the requirements of the public service."

The Government of Bengal have suppressed their letter of the 2nd March to the High Court. In enclosure No. 33 of their letter, No. 123, A.D., of 9th May, 1901, they state, however, that they referred my letter of the 28th February to the High Court. When, therefore, the High Court sent the reply of which the Bengal Government purport to give the terms, the High Court must have been aware—

1. That I alleged that I was in bad health.
2. That I had produced a medical certificate, or rather a letter tantamount to one.
3. That my absence from Noakhali could not possibly do any harm.
4. That I was bringing the record of the capital sentence case to Calcutta with me.

It is difficult, under these circumstances, to account for the High Court's action in advising that I should be refused leave, still more in putting forward as one of their reasons (and, indeed, apparently the *only* reason which they cared to publish, or at all events the only one which the Bengal Government cares to make known to the world) the fact that they had not received the record of the capital sentence case.

To order me to return to Noakhali *at once* was certainly not the means best adopted to get the record, for if I had complied with that order I should have had to take it back with me, and even if I had despatched it from Noakhali the moment I arrived there, the High Court could not have got it for several days. As I have pointed out in my memorial, the order (and I may say *all* the orders given to me at Calcutta) was given me *late at night*, and there is but one train a day to Noakhali (or rather to Feni, the Railway Station for Noakhali), which leaves in the very early morning.

The action of the High Court, I submit, indicates a desire on their part *not* to get the record of the capital sentence case, but first, to keep me away from Calcutta, and later, when I had arrived there, to get me out of it as quickly as possible. They advised that I should be ordered to return to Noakhali *at once*; they did not wish that I should leave it at present "*for various reasons.*" I shall endeavour later on to indicate to His Lordship one of these "various reasons."

But before doing so I will point out that in the letter of 4th March, suspending me, the Local Government once more directed me to proceed to Noakhali *at once*, and await these any further orders. This last order was not based on any recommendation of the High Court, for as soon as I was suspended, I became a private person, and it seems to have struck even the High Court that when I was no longer a Judge it was no concern of theirs where I was, at all events that it would be unseemly for them to publicly express a wish to get me out of Calcutta. Perhaps for this reason it may have been stipulated that Sir John Woodburn, who had heretofore sheltered himself behind the High Court, should at last show his own hand. At all events the Lieutenant-Governor, who hitherto had based his orders to remain at

Noakhali and to return there entirely on the advice of the High Court (to judge from his letters he would have been quite willing that I should come to Calcutta, only the High Court would not agree to it), now, *of his own accord,* ordered me to return to Noakhali *at once.*

My failure to comply with this latter order is made the basis of a charge of insubordination. With this charge I will deal later; here I only wish to point out how unreasonable, on the face of it, the order was. As I was suspended I could do nothing at Noakhali if I went back there; the Government knew that I was in bad health, the result of my protracted stay there, and that returning there would inevitably make me worse; while, as for my awaiting orders there I may point out, first, that if I had complied with their order I should be awaiting orders at Noakhali at the present moment; secondly, that if they had really meant to give me any further orders, I was only a few hundred yards from them at Calcutta, and could have got those orders in five minutes, while at Noakhali I should be over 300 miles away, and every letter which passed would take two days in transit.

I submit that the order to return to Noakhali at once was issued by arrangement with the High Court, which, as I have pointed out above, had already betrayed an eagerness to get me out of Calcutta quite inconsistent with their ostensible anxiety to try the capital sentence case as quickly as possible. And I would now draw attention to the action of the High Court in calling for the record of the case.

The letter, elsewhere styled a "proceeding," which was handed me by Mr. Sheepshanks on the 4th March is not reproduced among the voluminous papers enclosed with the Government of India's letter. Enclosure B. of this letter is a copy of it.

As I have pointed out in paragraph 11 of my second memorial, this "proceeding" is not sealed. I call attention to this fact not to prove that the proceeding is invalid (although in law the absence of the High Court's seal does invalidate it) but simply to show that it was issued in a hurry. Further evidence of this is to be found in the fact that the essential word "deliver" was originally omitted, and has had to be written over the line.

Further, the order directs me to deliver the record *now in my possession* forthwith. The High Court wanted not the whole record, but any part of it *in my* possession; and they wanted that part *forthwith.*

The Court profess to have acted on the Sessions Statement of my Court for the month of January. But that Statement was despatched on the 16th of February, and must have reached them on the 18th of February. How it "turned up" on the morning of the 4th March, unless they specially asked for it, does not appear.

Nor does it appear why even with that Statement before them, they thought it necessary to call for the record. There had been no unusual delay. The parties affected by my judgment had a right of appeal, and it is unprecedented, in my experience, for the High Court to call for the record of an appealable case before an appeal is preferred. The accused had not appealed, and till they appealed, or the High Court knew that they refused to appeal, the High Court could not deal with the case, even though the record was before them. As regards two of the three convicted men, viz., Aslam and Anwar Ali, they could not deal with the case at all unless those men appealed. (I may say parenthetically that not infrequently men convicted of murder, and sentenced to transportation for life, do not appeal, as they run the risk by so doing of getting the sentence enhanced to death. In this very case Sadak Ali has not appealed against Mr. Geidt's sentence.)

No complaint of delay had been made to the High Court by any of the accused, who alone would be injured by such delay. Further, the High Court must have known that they would soon get the petition of appeal of Sadak Ali, who had been sentenced to death, for he only had seven days plus the period required to get copies to appeal in, and as the High Court knew that I had brought away at least the essential parts of the record with me on the

28th February, they might reasonably have inferred that the copying had been completed by that date, and that within 7 days of the 28th February, Sadak Ali would present his appeal either to them or to the Jail Superintendent for transmission direct to them.

They knew they would soon get the record, for they knew I had brought it to Calcutta to make it over to them. They were not in a position to take up the case, even with the record before them. No application had been made to them in connection with the case. Yet they not only called for the record—in itself a very unusual proceeding—but took the steps, unprecedented, so far as I know, of sending the officiating Registrar himself for it, of ordering me to deliver it to him *forthwith*, and of expressly limiting their call to " the record now in your possession."

Further, I would point out that when they got the record the High Court showed no effective desire to take up the case. Sadak Ali's appeal was signed at Noakhali on the 2nd of March, and must have reached them on the 5th or 6th at latest, but the case was not taken up till the 10th of April, and judgment was not delivered till the 17th of April. I shall submit hereafter my reasons for believing that the trial was purposely delayed to permit of hearing from England—all I need say here is that at all events it was not pushed on, and that if my small staff could copy the record three times over in 13 days, the High Court could if they had chosen to have got it printed in something less than 22.

It does not appear, therefore, that the desire of the High Court to at once get " the record now in your possession " is accounted for by any anxiety on their part to accelerate the hearing of the appeal, which had not then been even preferred. And I submit that the real reason why the High Court wanted to get the record from me was that so long as I had that record I had a very good excuse for remaining in Calcutta, and that they were resolved at all hazards to get me out of Calcutta as soon as possible.

It is now, I think, time that I should indicate to His Lordship the reason of the High Court's anxiety to get me out of Calcutta, and explain how it was that that Court came to advise and Government to adopt the course of summarily suspending me, a course which they have had so much difficulty in excusing, which the Government of India alone has thought capable of defence, a course which had the effect, and which it might have been foreseen would have the effect, of rallying all sections of public opinion to my side—of intensifying public interest in a case in which it was the obvious advantage of the executive authorities that public interest should subside—of at once destroying the High Court's credit (a credit which it was vital from the executive point of view to maintain for the purposes of this case) for judicial impartiality—of producing among Europeans and natives alike the impression to which the most outspoken organ of the European commercial community has given voice—the impression " that the Chief Justice has made an unholy alliance with the Government of Bengal, whereby the support of the High Court will be given to the executive acts of Government in preference to the furtherance of law and justice."

The reason, or rather the reasons, are succinctly set forth in paragraphs 3 and 6 of my " disrespectful and improper " memorial of the 21st of March—the Memorial which the Bengal Government withheld—which they were so angry with me for sending His Lordship a copy of—the memorial His Lordship's reception of which was so anxiously awaited by the Bench, which had to try the murder case and the Reily appeal. They were:—

1. Sir Francis Maclean's extrajudicial action on the 17th of February in wiring to me to release Mr. Reily.

2. His extrajudicial action on the 3rd of March (the day before I was suspended) in attempting to get the record from me surreptitiously.

The second of these extrajudicial acts was the result of the first; Sir Francis Maclean wanted to get the record from me so as to deprive me of any excuse for remaining in Calcutta, and the reason why he was so anxious to get me out of Calcutta was to prevent the first act's becoming known. It may even have been his intention to get hold of the telegram of the 17th February and make away with it.

The telegram, I may say, though despatched on the 17th February, and answered by me the same day, was not made public till the 11th March, when the following brief paragraph appeared in the "Bengalee."

Re Mr. Reily's Bail.

> Among the papers which have been placed at our disposal in connection with the Pennell case, is the following urgent telegram which was addressed to Mr. Pennell by the Registrar of the High Court on the 17th February last, which was a Sunday :—
>
> "The Chief Justice wishes to know why bail has been refused in Reily's case, and urges you to carefully reconsider the matter."
>
> This telegram was addressed to Mr. Pennell before application for bail on behalf of Mr. Reily had been made to the High Court.

The "Bengalee" did not think any further comment necessary; but the comment was speedily forthcoming elsewhere. I may point out that Mr. Reily's case was regarded on all hands as a political one—the "prestige," or what they are pleased to consider such, of the executive was at stake—and I shall, I think, have little difficulty in convincing His Lordship hereafter that the Chief Justice in this matter acted at the instance of the Lieutenant-Governor. Under these circumstances I see no reason to modify the remark contained in paragraph 3 of my first memorial—the remark that "I am confident that your Lordship's legal advisers will assure you that Sir Francis Maclean's action in sending me the telegram was an illegality of so flagrant a nature as to justify his being disbarred."

And I may add that it was for some time contemplated in Calcutta to call a general meeting of the Bar, if not indeed a public meeting of the citizens, to denounce Sir Francis Maclean, and that he only escaped such denunciation by requesting Mr. Justice Banerjee to express his regret and contrition to the Secretaries of the Bar Associations, a fact which was not only announced in the papers shortly after, but for which I have the authority of Dr. Rash Bihari Ghose, the leader of the Vakils' Bar.

What action His Lordship will take in this matter remains to be seen; but I think he will perceive that it was a matter which Sir Francis Maclean had a very strong motive for hushing up. It is easy to hush up things in an Oriental country. Sir Francis Maclean's action was, no doubt, known to my office at Noakhali—but Noakhali is the most isolated station in Bengal; it was not likely that even a rumour of the matter (which, if spoken of at all, would be spoken of with bated breath) would reach Calcutta, while no newspaper would have ventured to make the most distant reference to it without the strongest possible evidence of its truth. So long, however, as I was in Calcutta there was in Calcutta a person who knew of the matter, was, presumably, aware of its importance, had a strong motive for making it public; was suspected to be in touch with several of the leading organs of public opinion, and last, but by no means least, was not afraid. And so I had to be got out of Calcutta at any cost.

The Chief Justice knew, however, that it was not at all likely that I would leave Calcutta while I had the record with me, so it was necessary he should get it at once. He had no jurisdiction to call for it, for he was not a member of the Criminal Bench. The other Judges of the High Court were, presumably, as ignorant of his having sent me the telegram as the general public; the only person besides himself who knew of it was Mr. Chapman, who, at the time of its despatch, was Registrar. (The telegram, I may point out, was despatched by Mr. Chapman on a Sunday morning, not from the business quarter of Calcutta, but from the Park Street telegraph office, near which Mr. Chapman and Sir Francis Maclean both reside.) Mr. Chapman was no longer Registrar; he was on leave, and had been succeeded as Registrar by Mr. Sheepshanks; further, his services had been replaced at the disposal of the Local Government, by which, on the expiry of his leave, he was appointed to officiate as a District and Sessions Judge. But it was to Sir

Francis Maclean's interest to take no more persons into his confidence than was absolutely necessary, and so the person whom he employed to get the record from me was not Mr. Sheepshanks, the Officiating Registrar, but Mr. Chapman, the Indian Civil Servant on leave.

Late on the evening of the 2nd March, I received from Mr. Chapman an invitation to dinner for the following night. Enclosure C. is a copy. I am reluctant in defending myself to say a word more than is necessary against other people, but Mr. Chapman's subsequent conduct both with regard to this invitation to dinner and otherwise has been so extraordinary that I submit to His Lordship that it is not a very far-fetched supposition that this invitation to dinner was a trap, intended to lull any suspicion I might have of Mr. Chapman, and to put me off my guard. In advancing such a supposition I may be doing Mr. Chapman a grave injustice—but it is necessary that I should put His Lordship in possession of *all* the facts so far as they seem to me material—and I submit that His Lordship will, when he proceeds a little further agree with me that if I am doing Mr. Chapman an injustice, Mr. Chapman has only himself to blame for it.

I may remark that though I am slightly acquainted with Mr. Chapman, I had never called on him or on his family, and Mr. Chapman has himself adverted to the fact that he was unacquainted with my sister, who had come to Calcutta with me, and was included in his invitation. It was a time when many members of my service were looking on me askance, for it was known to every one that I was engaged in a contest to the death with the head of the Local Government, and the Indian environment is not conducive to moral courage. Under these circumstances the natural result of Mr. Chapman's letter would be to induce in me the belief that however much other people might turn against me I had at least one very good friend in Calcutta, and that was Mr. E. P. Chapman, of 4 Middleton Street.

I at once accepted Mr. Chapman's invitation.

What happened on the next day (Sunday, the 3rd March) is succinctly stated in paragraph 6 of my first memorial (that of 21st March) but it may be as well that I should recapitulate the facts here and add some circumstances then omitted as of less importance.

Between the hours of eleven and twelve a.m., Mr. Chapman called on my sister at our hotel, and after staying some time went away, with the remark, " I must go and look your brother up. I want to see him about some records." These facts are stated in an affidavit sworn by my sister on the 4th March, of which Enclosure D. is a correct copy.

I was away when Mr. Chapman called, but returned almost immediately after he left, and was told by my sister that he had just gone to look for me. I thought he would probably have gone to the United Service Club, so I followed him up there, and found him just getting out of his *ticka gari* (cab). I returned with him to the hotel, and he was with me in my room there for fully half an hour.

He told me Sir Francis Maclean had sent him for the record and showed me an autograph letter from Sir Francis Maclean directing him to get it from me. I held out my hand for the letter, but he kept it to himself and said he was not supposed to show it to me. He allowed me, however, to read it, keeping it in his own hands. There was nothing in the letter itself forbidding him to show it to me, so I submit instructions to that effect must have been given to him verbally. The letter was on the High Court's demi-official note paper; it began " My dear Chapman, and ended

Yours sincerely,
F. W. MACLEAN,"

and was in the same handwriting as the letter subsequently handed me at the Chief Justice's house.

I asked Mr. Chapman if it were not rather irregular that I should make over a record, especially an important record, in this way, and pointed out to him that forms were really of great importance in our law. I referred to a book—Hearn's Government of England—which I had studied when reading for the Law School at Oxford, and told him the whole *gist* of that book was the way in which the nominal powers of the King, Ministers, Courts, &c., were circumscribed and limited by the necessity of observing forms.

I may explain that I took this line of argument because I did not want Mr. Chapman, whom I regarded as a friend of mine, to think that I was raising frivolous objections, and thought that to a man like Mr. Chapman, who, I believe, knows no more law than the very small modicum required for the departmental examinations, it might appear quite sufficient that the Chief Justice had need of the record.

To His Lordship, however, I need make no scruple of submitting (as I have already submitted in paragraph 6 of my first memorial) "that Sir Francis Maclean or the Chief Justice of Bengal (if it be assumed that he was acting officially) has no power to send for records in this way, and that his action was both illegal and improper." I may add that even if Sir Francis Maclean had been a member of the Criminal Bench—which he was not—he could only have called for the record *legally* with the concurrence of the other member of that Bench, and with the use of the High Court's seal—with forms which ensured that very *publicity* which he was so anxious to avoid.

Mr. Chapman seemed impressed with my arguments, and admitted the fact—an additional matter of suspicion—that he was no longer Registrar. He said that he had made over charge to Mr. Sheepshanks, and was on leave, though he had remained in Calcutta for a few days at the Chief Justice's request "to do odd jobs." The fact that Mr. Chapman had ceased to be Registrar was, I may say, known to me before, but in fairness to him I should here state that he volunteered it. His making the Chief Justice give him a letter for his own protection (for he was not supposed to show it to me) also, I submit, indicates that Mr. Chapman, from the first, had his doubts as to the propriety of what he was doing.

I told Mr. Chapman I had no objection to showing him the record, which was lying loose in a box of mine, and that I should indeed like to show him some of the Exhibits, as the more people saw them before they passed out of my hands the better it would be for me. He said that he believed Exhibit X 28 was in Major Strachey's handwriting, but added—like Moulvir Zakir Husain in the Chupra case—that he did not know Major Strachey's handwriting well. He admitted, with reference to Exhibit X 32, that he knew Mr. Bolton's handwriting well. Finally, he suggested that if I did not care to make over the record to him, I should take it to the Chief Justice's house, and make it over to the Chief Justice myself. I said that before doing anything, I would consult Mr. P. L. Roy, who I may say has the largest criminal practice in Calcutta, was formerly Legal Remembrancer to the Government of Bengal, and had for many years been a very intimate friend of mine. And Mr. Chapman and I agreed together that I should be taken to have told him that I would consult Mr. P. L. Roy before giving him a final answer. Mr. Chapman then went away. I submit that it is probable he went to the Chief Justice or, at all events, informed him what had happened. That he made no secret of the fact that I had shown him the record will appear from the "proceeding" issued by the Criminal Bench the next day. It is not unlikely however that he kept back from the Chief Justice his own suggestion that I should bring the record in person. Soon after Mr. Chapman left I went to Mr. P. L. Roy's and consulted him as to Mr. Chapman's suggestion. He advised me to go at once to Sir Francis Maclean's and make over the record to him—he did not think, he said, that any one could blame me for doing so, as even though the Chief Justice's action was informal, still he was the highest judicial authority in the country.

Whatever may be thought of the merits of this advice, I decided to act upon it. If any excuse be held necessary, I would submit that I did not see then a great many things which I see now. It was to my interest that the Chief Justice should be impartial in the Reily case, and it was natural, therefore, that I should be slow to believe the contrary. By sending me the telegram of the 17th February the Chief Justice had placed himself, to a certain extent, in my hands; and though Mr. Chapman's procedure was certainly somewhat mystifying the mystery might, for all I knew, have been imported by himself, while there was apparent good faith in his suggestion that I should make over the record personally. Moreover, I was inclined to attach great weight to Mr. Roy's advice, and he said that my taking Sir Francis Maclean the records, however informally he had expressed his wish for them, would please the Chief Justice, and get him on my side.

I accordingly returned to my hotel, and thence proceeded with the records to Sir Francis Maclean's house, 14 Loudon Street, accompanied by my Sheristadar, Sessions Clerk, and a peon. I arrived about 3.0 p.m., and sent in my card.

I may say that I was about the last person in the world to force myself upon Sir Francis Maclean if I had thought for a moment that he did not desire my presence. Except that I once went to see Mr. Justice Sale about the Chupra case in 1899, I have never called on any European High Court Judge, and, indeed, I don't think I have paid half a dozen calls on anyone in Calcutta since 1899. Moreover, Sir Francis Maclean is notorious for his pomposity, and it was well known to me that he had turned away from his house, on a former occasion, the Honourable Mr. B. L. Gupta, now a Judge of the High Court, who was, when so turned away, Legal Remembrancer, and the senior District Judge in Bengal, and had already acted as the Chief Justice's colleague on the High Court Bench. I went to Sir Francis Maclean's house under the impression that he was fully prepared for my coming, and was expecting and, indeed, desiring to see me. And for this reason I sent in my card in the first instance without any message.

The Chief Justice's servant took in the card, and returned with the answer "*Darwaza band,*" literally "Door closed," a phrase corresponding to our English "Not at home," only that unlike the latter phrase it does not suggest that the recipient of the call is out. I thought there must be some mistake; that Sir Francis Maclean might be "out" to ordinary visitors, but that he would, at least, be "at home" to me, if he knew who I was, and what I had come about. I, therefore, asked for my card back, intending to write on it. I may say it was the only card I had with me on which my service and address were given.

The servant went upstairs, but after a good time returned and told me I could not have my card back. He added that the Sahib (his master) had guests at tiffin (luncheon).

This only made me the more convinced that there was some mistake. I thought the servant had not given his master the card, fearing the master's anger at being disturbed, and did not want the fact to come out. I searched and found another card on which my name only was printed, and wrote on the back of it "I understand from Mr. Chapman that you want record. When can you see me?" I told the servant to give that card to his master and bring an answer.

The man went upstairs and reappeared. There was a very long delay. I grew impatient and told the man I was not going to wait there all day. There were more disappearances and reappearances. At length it was announced that the Sahib was writing an answer. Finally, I was handed a letter in Sir Francis Maclean's handwriting;

> The Chief Justice of Bengal is unable to see Mr. Pennell, and desires that any communication he may wish to make should be made through the Registrar of this Court.

The explanation of these occurrences which I suggest to His Lordship is the same as I submitted in my memorial of the 21st March, "That although Sir Francis Maclean wanted to get hold of the record surreptitiously, he did not want his getting hold of it surreptitiously to be known." If Mr. Chapman conveyed to him my message, he must have been aware that at least one responsible person besides myself would know of his getting the record—the chaprasi would have told him that there were two native gentlemen with me—and he could not have ascertained without humiliating enquiries who they were; for all he knew, Mr. P. L. Roy might have been sitting in my closed carriage outside his gate; lastly, there were his own guests. This was very different from my making over the record to a private go-between without having a scrap of paper to show for it!

From Sir Francis Maclean's house I drove straight to Mr. P. L. Roy's, which is close to it. I found closeted with Mr. Roy, Babu Moti Lal Ghose, the editor of the " Amrita Bazar Patrika." I told them both what had happened.

From Mr. P. L. Roy's I returned to my hotel, where I found awaiting me a letter from Mr. Chapman (Enclosure E.). This letter shows, I submit, that Mr. Chapman was aware of the orders which Government were about to issue, and as he had said nothing of the matter when he was at my hotel, he was presumably ignorant of their resolve then. I submit that this makes it probable that the resolution itself was taken between his visit to my hotel and the time of my return there—between, say, 1.0 and 4.30 p.m.—and that it was taken in consequence of his failure. I would further submit that it is not an altogether improbable supposition that it was taken at the Chief Justice's house. Sir Francis Maclean is not, I would submit, likely to have forgotten who were his guests that day; and it is in his Lordship's power to question him upon the subject.

I would further point out, in justice to myself, that it is not I but Mr. Chapman who mixes up private and official matters. Who in the world, I submit, to His Lordship, *would* trouble about an invitation to dinner in the case put by Mr. Chapman?

The reply I sent that gentleman was that my sister and I did not wish to compromise him, and that we should like him to say if he would prefer we did not dine with him.

Mr. Chapman replied by renewing his invitation (Enclosure E 1.), and we accordingly dined with him.

Just before we started to dine with him I got the letter, which is the Bengal Government's Enclosure No. 33, conveying the Lieutenant-Governor's order " That you leave Calcutta at once and return to your station, Noakhali "; and requesting " That you will be so good as to report the exact day and time at which you leave Calcutta and arrive at Noakhali." As pointed out by me in paragraph 10 of my second memorial, to comply with this order would have left me no option but to take away the record with me, while from the Chief Justice's letter which Mr. Chapman had produced it was clear that he wanted it at once. I determined, therefore, to apply by official letter to Mr. Sheepshanks, who was then Registrar, as directed by the Chief Justice, and to support the letter if possible by a statement from Mr. Chapman, who, I thought, had got me into trouble, to show that I was not really to blame, and had not intended any offence to the Chief Justice.

I did not care to discuss the subject at the dinner table, but arranged with Mr Chapman to come to his house and see him the first thing next morning (the 4th March). Accordingly that morning I went to his house. I was just in time to prevent his driving away, so apparently he was not very anxious to keep his engagement. I told him what had happened at the Chief Justice's house, and said it looked very much as though the Chief Justice meant to disown him. I pointed out that he had got me into great difficulty, and asked him to give me a statement in writing of what had taken place between us on the preceding morning, or so much of it as he cared to admit. He asked me if I meant to use the statement. I said certainly; that was what I wanted it for. He suggested that he could make a note for himself, so that he could refresh his memory if necessary. I said that would not serve my purpose. Finally, Mr. Chapman declined to give me any statement in writing; he did not think, he said, that he was *called upon to* give me any such statement.

I may say that Mr. Chapman had told me the night before that he did not know where he was to be posted at the end of his month's leave. As an ex-Registrar, he might naturally expect a good station, but if he got into the bad books of Government, he would probably be sent to a bad one, say, to Noakhali, which, *pace* the Bengal Government (vide their paragraph 16), is in many senses a very undesirable station. And Mr. Chapman would certainly have got himself into the bad books of Government by saying a word more or sooner about the events of the 3rd March than he could help.

The Bengal Government, in forwarding the memorial which contains my allegations as to the events of the 3rd March, states that " The circumstances are not within the cognizance of this Government." But Mr. Chapman was, and is, their own subordinate; at the time their letter was written he was living in Calcutta, where he was employed as Additional Judge of Alipur. They could easily have examined him; they *would* have examined him if they thought there was any chance of his contradicting my statements. His Lordship can examine him or compel his examination now. I by no means wish my statements, either on this or on any other point, to be accepted without investigation; but I submit that it is not an unreasonable request that if those statements are not admitted, I should be afforded reasonable facilities for proving them.

I informed Mr. P. L. Roy of Mr. Chapman's refusal, and decided to file in support of my letter to the Registrar affidavits by my sister as to Mr. Chapman's visit, and by my clerks as to the occurrences at the Chief Justice's. I got these affidavits drafted, and went with my sister and the two clerks to the High Court between 11.0 and 12.0 a.m. The events which followed are set forth in sufficient detail in paragraph 10 of my memorial of the 29th April, the statements in which neither the Bengal Government nor the Government of India have ventured to traverse. From the charge based upon those events I have already defended myself. I may add that my sister's affidavit was sworn at Alipur, but that Mr. Pargiter, the District Judge there, refused to allow the affidavits of the clerks to be sworn, on the ground that they reflected on the Chief Justice! These affidavits, in the clerks' own hand, are now in my possession, and copies of them are enclosed. (Enclosures F. and G.). I would respectfully ask His Lordship to read them for himself, and form his own opinion as to whether there was any justification for Mr. Pargiter's refusal. If a plain and unvarnished statement of the Chief Justice's acts reflects upon the Chief Justice, I submit that it is the Chief Justice's fault and not mine; apparently Mr. Pargiter thinks the Chief Justice may do these things, but that no one is to be allowed to say so.

His Lordship will now, I submit, be able to comprehend the Chief Justice's critical position. In endeavouring to cover up the traces of one blunder he had made another; several people already knew the facts, and I was rushing about Calcutta to file affidavits divulging them. Still, if the record could be got out of my hands, and I, myself, bundled off to Noakhali, there was yet a possibility of escape, for Mr. P. L. Roy is a timorous person, whose interest it was to keep in with the Chief Justice, and the latter was not of course aware that Babu Moti Lal Ghose was also acquainted with his secret. So—apparently after the refusal of the affidavits by the Deputy Registrar—the Criminal Bench were moved to demand the record forthwith, the Sessions Statement was hunted up, a letter issued with such haste that it was neither correctly copied or sealed, and Registrar and ex-Registrar despatched with it hot-foot.

Instead, however, of bringing the record, they brought back to the Criminal Bench and the Chief Justice the unwelcome information that I was off to file affidavits at Alipur. Things were getting worse and worse. So the Chief Justice hastily convened the Judges, and got a majority of them to recommend my suspension, which was carried out forthwith. He could not afford to give me a hearing, for then the very reason for suspending me would have been removed by my divulging his own conduct. He, therefore, " applied his majority " to the question, and so closed the argument.

From the point of view of the executive authorities my suspension was a fatal step, for it at once showed the High Court's hand. But from Sir Francis

Maclean's point of view it was a necessity. And Sir John Woodburn and Lord Curzon dared not go against his wishes, seeing that they looked to him to help them out later on in the main case. And so I was suspended—*and* peremptorily ordered, without reason given, and, indeed, without any reason which could be given, to return to Noakhali *at once*.

The Chief Justice, I imagine, thought that I would be cowed by the order of suspension, and would comply with the order of return. The only result of the first order, however, upon my mind was to deprive me of any reason for obeying the second. If Government will not employ me it can be no concern of theirs whether I am in one place or another; by suspending me they turned a pawn into a knight. At all events, the morning of the 5th March found me still in Calcutta, while the Chief Justice's position was not improved by the publication of the affidavits in the " Amrita Bazar Patrika " of that date.

It was my intention to swear an affidavit of my own, setting forth all the circumstances, and to make an official application supported by this and the other affidavits, to the Registrar, that I might obtain the High Court's orders as to what I should do with the record. Being a private person, I no longer had any concern with this latter, but it was on my hands, and I wanted to utilize the opportunity which its delivery would afford me of explaining my position. On the 5th March, however, all the Courts were closed, so I could do nothing either in the way of swearing affidavits or of making over the record.

Early on the morning of the 6th March I went to Mr. P. L. Roy's to get him to draft my affidavit for me. The draft was nearly finished when a gentleman came and called away Mr. Roy for a moment. Mr. Roy returned and told me that the Judges were going to meet as soon as the Court sat, and resolve to arrest me on a charge of contempt in not making over the record. He urged me to improve my position by making it over before they could do anything. He gave me breakfast, and I went to the hotel, picked up my clerks and the record, and proceeded to the Registrar's room at the High Court, which I reached about 10.35 a.m. I at once began making over the record—as it was. Owing to its state it was not till past twelve o'clock that Mr. Sheepshanks could give me any receipt at all, and he was then only able to give me a provisional receipt, which contained a promise that the usual receipt would follow.

The Judges, to get to the room where they hold general meetings, have to pass through the Registrar's room. I had not been long there when they began to assemble—first four going in together, then others coming in one or two at a time. Sir Francis Maclean was one of the last. Not long afterwards the Judges began to disperse, and the contrast in Sir Francis Maclean's demeanour while going in and coming out left no doubt that things had not gone as he wished, and that even his majority had declined to arrest for failing to make over a record a person who was actually making it over in the next room. Even the mendacious press communiqué concerning my suspension, which Government, to pave the way for their contemplated coup d'état, had sent to the leading English (but to none of the native) papers on the night of the 5th, failed of its full effect, for the " Indian Daily News," of the 6th, as already stated, only published it as the " official version " of the facts, and my own side of the case was published in the " Statesman " of the 7th.

If Sir Francis Maclean could have got the High Court to take judicial action against me, anything which I might have said would have been discredited, nor would there have been any necessity for the Local Government to frame charges against me or to give me a hearing. As it was, the plot concerted between him and Sir John Woodburn had failed; and day by day it dawned more clearly upon an astonished public that the High Court had departed from the elementary principles of natural justice by condemning a man unheard, while the key to the whole was supplied on the 11th March by the publication of the Chief Justice's telegram. The Local Government could frame no charge against me because they knew that they had no charge against me which would stand; that the charge on which I was suspended is sustainable it was left to the Government of India to discover. The Government of Bengal and the Government of India found themselves derided by the native and denounced by the English press; every day made their position worse; and it was impossible that the facts could permanently be kept from His Lordship's knowledge.

The proper course for the Executive to have taken, I would submit to His Lordship, when they saw, as they must have seen at a very early stage, that my suspension was indefensible, was to reinstate me, but this would have been an admission that they had done wrong, and, as I submit the Chupra case has shown, European officials in India are very unwilling to admit they have done wrong; they are far more likely to attempt to cover up the first wrong by additional wrongs.

And I submit for His Lordship's consideration that it is this which has led them to draw up against me these general charges, covering my whole life—to discover after 16 years that I have all along been incompetent, devoid of ability, a monster of malevolence and malice, deluded by a morbid and malignant vanity, with a mind diseased by suspicion, and an uncontrolled and vindictive temper. I submit that if there is one thing more than another apparent on the face of these proceedings, it is not that *I* am unable to keep *my* temper, but that my accusers and judges have lost theirs. And I would humbly represent that it is rather hard that because they have lost their temper I should be turned out of the service without a penny.

I now proceed to deal with these additional charges which the two Governments have had to bring forward as the only alternative to admitting themselves in the wrong—as the only means of avoiding the "logical consequences" of removing my suspension.

And first, I will ask His Lordship altogether to exclude from his consideration the charges relating to my doings in Burma, the charges that I thrashed a man in 1893, and made a Chief Commissioner very angry in 1894. I will do this on two grounds:—the first, that these matters happened many years ago; the second, that they have not the remotest connection with the Noakhali case. I would submit to His Lordship that the charge of irrelevance, which is repeatedly brought against me in connection with that case, comes with as bad a grace from my accusers as that of uncontrolled and vindictive temper.

If His Lordship is disposed to consider these matters at all, I would submit with regard to the first, that my conduct was by no means so exceptional as the two Governments would represent it to be. Both in India and Burma, more especially in Burma, there are many highly-placed officials whom they know to have done much worse things. I do not wish for obvious reasons to mention names, but will give such particulars of two cases as will serve equally well. In a case in Bengal a civilian, wishing to punish a number of men, but knowing that they had committed no offence, and were certain if convicted to get off on appeal (the Appellate Court having reversed a previous similar conviction of his) tried them summarily, notwithstanding their protests, and flogged more than forty of them then and there. The late Chief Justice, Sir Comer Petheram, observed judicially that this officer had done as much as any one in his position could to bring the administration of justice into disrepute; but neither the facts nor the observation have prevented his employment for six years at Simla, where he was till lately Deputy Secretary to the Government of India in the Home Department, the very person to whom the drafting of letters like the Government of India's No. 54, of 1901, would fall! In another case, in Burma (Sir Charles Crosthwaite, now of His Lordship's Council, will remember it), it was brought to the notice of Government in 1890 that an officer who had already been Secretary to Government had two years before kicked to death in open Court a man appearing as a witness before him. I myself, being in the Secretariat, noted on the case, and recommended that as there was no doubt Mr. . . . did not mean to kill the man, as he had compensated the man's widow, and as the matter was two years old, there was no need to revive it, and this view was accepted by the Burma Government, and the Government of India. The officer in question was shortly after re-employed as Secretary, and is now, I believe, Commissioner of a Division. The only difference between my case and the cases of these two gentlemen is, I submit, that they did worse things than anything I have ever done, and that whereas I was very severely punished, they received either a nominal punishment or no punishment at all. Further, as the severity of my punishment is actually put forward by way of emphasizing the heinousness of my offence, I may state that if His Lordship desires I am in a position to prove that the Burma Government, with whom I was then a *persona grata*, never meant to take any notice of the matter at all, but were forced to do so by an enquiry from the Government of India, that the order removing me from the Settlement Department "As soon as his transfer can, with due regard to the public interest, be arranged" was not intended to be carried out, and that I was advised to take a year's leave on medical certificate, and thereby render the whole punishment nugatory. If His Lordship desire further information on these points without referring to me, he can readily obtain it by reference to Colonel H. R. Spearman, now retired, who was Commissioner of Tenasserim at the time, and was till lately one of His Lordship's constituents at Ealing.

With regard to the second matter, which led to my suspension in 1894, I would solicit that if any reference be made by His Lordship, it be made not to the selected extracts of the Bengal Government's letter, but to the fuller papers enclosed by the Government of India. It will be seen from Sir Alexander Mackenzie's "note" that to my "warped imagination" the Burma Secretariat were banded together to "burke" the "Munro case." The Munro case, I may inform His Lordship, was a scandal of the same type as the Chupra and Noakhali cases, and, I being got out of the way, and Burma not being Bengal, was very successfully burked. It was the early developments of this case which led to the issue of Sir A. Mackenzie's well-known Circular on "Burmese Mistresses." Now, Sir A. Mackenzie's note left no doubt upon my "warped imagination" that the resolution to "burke" the Munro case was not confined to his Secretariat but extended to himself. The only way in which I could defeat it (and I may say that criminal complaints, made to me as District Magistrate, had been illegally taken out of my hands by the executive authorities and were being held over till I was out of the Province—I had been finding out a great deal too much) was by the intervention of the Government of India. I could not get to the Government of India myself, but if Sir A. Mackenzie suspended me, he would be forced to bring the matter to their notice, and they would be able to "know of" it if they liked.

Burma is a backwater of the Indian Empire, and the Government of India of course preferred *not* to know of "The scandals connected with the Munro case." But I would submit that I was much younger then than I am now, and that it is not incredible that I should have believed at that time that there was a chance they would. I was reproaching myself for having parted with the records, which the executive authorities got from me by saying that the Director of Land Records (Mr. Munro's immediate superior) would inquire departmentally first. The Director did begin his enquiry, but as he reported—demi-officially, be it understood—that things were even worse than I made them out to be, nothing more was done, and it became evident to me as months passed by that nothing more would be done. I felt that I had done wrong in making over the records to the revenue authorities at all. It was under these circumstances that I acted as I did. It has never been alleged that I had any malevolence against Mr. Munro whom I have never even seen, or any personal ill-will to Messrs. Macdonald and Carstairs (both of whom, I may say, were men whose promotion had been permanently stopped). It is the less probable that I should have opposed Government simply for the sake of opposing Government, as at the time I was expecting shortly to be married.

In his note Sir Alexander Mackenzie speaks of false and malicious insinuations made by me concerning Mr. Thirkell White. I neither have now nor ever had any ill-will towards Mr. White personally, we have always been on the best of terms. That Mr. White did not think me actuated by malice will appear from the terms of his letter of the 23rd December, 1894 (Enclosure H.), and of a subsequent letter of 29th January, 1896 (Enclosure J.).

The Government of India says:—

> "On the 1st January, 1895, the Chief Commissioner reported that Mr. Pennell had complied with his order and had asked indulgence for his conduct. This submission had, however, been very tardily made, and only after Sir Alexander Mackenzie had refused to receive a letter couched in very objectionable language, which Mr. Pennell had in the first instance forwarded to him."

The terms of the Chief Commissioner's report are not given nor is it possible, therefore, for me to know whether the phrase "very objectionable language" is Sir Alexander Mackenzie's or the Government of India's. But I wish His Lordship to form his own opinion on the matter, and not to merely accept without enquiry the opinion either of Sir Alexander Mackenzie or of the Government of India. I, therefore, enclose copies of my first letter, of the Chief Commissioner's letter returning it, and of the letter accepted (Enclosures K., L., and M.). I was only suspended on the 3rd of December, and all correspondence with Rangoon had to pass through the Commissioner at Bassein. It will be seen that so far from being tardy, I actually sent off the second letter before receiving back the first, and His Lordship can judge for himself whether "very objectionable" is the term to apply to the sixth paragraph of the first letter, to which alone exception is taken. The subordinate Governments are, I would submit, far too ready to construe a protest of one's innocence as an aggravation of guilt, without regard to the question whether the person who makes it is really innocent or guilty. I submit that it is quite possible to make incorrect statements against a brother officer, as I did with regard to Mr. White, without making them either falsely or maliciously, and that this was the view taken by Mr. White himself.

The accusations contained in paragraph 3 of the Burma Government's letter, and treated by the Government of India as being thereby proved, were made behind my back, and this is the first I have heard of them. It seems to me that they had little relevance to the matter for which I was suspended, and have even less relevance to the Noakhali case. It is somewhat difficult for me to defend myself against such charges seven years afterwards, especially when I never knew before that such charges had been brought—still more so when the charges are held, like the High Court's charge, to prove themselves. As, however, not only did Sir Alexander Mackenzie in 1894 consider these matters relevant to the Munro case, but the Government of India in 1901 has considered them relevant to the Noakhali case, it may be as well that I should comment on them as briefly as possible.

And first, it is said that the Financial Commissioner had repeatedly complained of me. The complaints are not given, but I will submit facts which will, I should think, considerably discount any complaints which Mr. Smeaton (the Financial Commissioner) may have made against me.

Between the time of my beating the Thugyi and the time when orders were passed upon it, I had mortally offended Mr. Smeaton by the publication of my Settlement Report (the Amherst Settlement Report of 1891-2), in which his system of land settlement was criticised. I had not only condemned it myself, but had succeeded in convincing both the Commissioner of the Division and the Director of Land Records of the truth of my criticisms. Mr. Smeaton avowed to me that he would never have let my report be published if he had known of it; he denounced me as an idle and useless officer; and he prevented the Burma Government from saying as they had meant to say if any one had ever asked them, that my transfer from the Settlement Department could not, with due regard to the public interest, be arranged; the result of which was that instead of losing Rs. 200, I lost Rs. 650 a month.

The acting Chief Commissioner of Burma when these events occurred was Sir Frederick (then Mr.) Fryer. Sir A. Mackenzie was by no means satisfied either with the justice of my punishment or with the condemnation of my Settlement work. One of the first things he did on returning to Burma was to put me back in my former place in the Commission, and this was soon followed by his taking the very unusual step of publishing a supplementary Resolution—a year after the event—on my Amherst Settlement Report. Where Mr. Smeaton had blamed he praised. “Chapter V. of Mr. Pennell's Report,” he observed, “may be altogether out of place, but the Chief Commissioner trusts that proper steps have been taken to prevent the recurrence of the evils that he has brought to light. Sir Alexander Mackenzie thinks that it may be very well the case that the Directions to Settlement Officers, Lower Burma, would be the better for revision and expansion. The matter is commended to the earnest attention of the Financial Commissioner.”

When it is borne in mind that Mr. Smeaton, the Financial Commissioner, had himself in his younger days drawn up these Directions, it will be perceived that these remarks in a published resolution were not likely to endear me to him. He was still further exacerbated by an incident which occurred when he visited the district of which I had charge. By way, I presume, of showing his contempt for me, he stabled his ponies in my Court house, notwithstanding the protests of the police in charge. I had then removed to the pound, and the Commissioner, who was in Maubin at the time, declined to order me to take them out again.

As to the Commissioner, it seems that he wrote that, though he liked cial Commissioner should have repeatedly complained of me behind my back; but if it is desired to use these complaints against me I submit that I may fairly ask to be informed what the charges were, and to be given an opportunity of meeting them.

As to the Commissioner, it seems that he wrote that though he liked me much socially, officially I was inclined to be petulant. It is rather hard that remarks like this should be brought up against me years after. That the Chief Commissioner's opinion about my “attitude towards my Commissioner” had not, when the events were recent, been so adverse as it became afterwards, when he had to justify his own note, will appear from Sir Alexander Mackenzie's letter of 23rd July, 1894 (Enclosure N.). That letter, I may say, is marked private; but I have obtained Sir A. Mackenzie's permission to make use of it. And I may say that though he lost his temper with me over the Munro case, I do not believe that he would now, if referred to, endorse the description given of me in the Government of India's letter.

As to the Judicial Commissioner's finding fault with me (the matter referred to is his letter printed as No. 4 of the “Burma papers”), it may surprise His Lordship to be told that the letter complained of was submitted by me for approval to Sir Alexander Mackenzie himself, who had specially asked, owing to the delicate nature of the business, that this should be done. It was approved by him, and was sent to the Judicial Commissioner, not by me, but by Sir Alexander Mackenzie. It is, I submit, rather unjust that Sir Alexander Mackenzie should afterwards blame me for it (he calls it in his note “the long-winded impertinence to the Judicial Commissioner about the Kromer case”), still more so that he should base upon it a complaint against me behind my back. Perhaps he did not foresee that his *ex parte* complaint would be used against me so many years afterwards. I would only point out that it was not till I had offended him that a letter which he had himself approved and transmitted became a long-winded impertinence.

Sir John Woodburn does not say how he got the letters which are Nos. 2, 3, and 4 of his “Burma papers”; I can hardly believe that Sir Alexander Mackenzie would have sent these papers after me to Bengal. I submit that they must have been obtained recently by Sir John Woodburn. It is within my knowledge that the Burma Government, when a barrister named Moylan, of whom His Lordship may have heard, was giving them trouble in his capacity of “Times” correspondent, wrote to the authorities in the West Indies, where Mr. Moylan had practised years before, for official papers which could be used to prevent his practising in Rangoon; so I cannot call Sir John Woodburn's conduct unprecedented, but I would submit to His Lordship that it is not what might be expected of a Lieutenant-Governor, especially of one who has professed so much consideration for me (vide paragraph 16 of his letter).

I have thought it necessary to deal at some length with the Burma charges, owing to the prominence given to them in the two letters in which my dismissal is recommended; but I submit that it should be sufficient for me to point out to His Lordship, as I have pointed out in my judgment in the Noakhali case, "That whatever the executive authorities may now say as to my misdeeds in Burma, what they really object to is not my having done wrong then, but my doing right now" (page 153 of the High Court's Paper-book [Appendix, page 255]). As Burke said, upon a similar occasion, "Add but the crime of servility (the foedum crimen servitutis) to every other crime, and the whole mass is immediately transmuted into virtue, and becomes the just subject of reward and honour . . . . I must conclude that Mr. Wilkes is the object of persecution, not on account of what he has done in common with others, who are the objects of reward, but for that in which he differs from many of them; that he is pursued for the spirited dispositions which are blended with his vices; for his unconquerable firmness; for his resolute indefatigable strenuous resistance against oppression."

I would further point out that Sir John Woodburn has not ventured to deny that last October he held these Burma matters over me *in terrorem*; that I wrote mv judgment with them hanging over my head, and in the full consciousness that they would be brought up against me. And I can hardly believe that Lord George Hamilton will think any the worse of me for refusing to submit to blackmail.

Before leaving these Burma incidents I must refer to the reasoning by which it is sought to justify their introduction. The Lieutenant-Governor professes to allude to them merely to show that it is impossible to employ me in the executive branch of the service, and insinuates that they caused my removal to the Judicial Branch. And similarly the Government of India which enlarges on them at greater length, thinks it necessary to preface the mention of them with certain sonorous generalisations. "It is conceivable," they say, "that an individual, though disqualified by aptitude or temper from the becoming discharge of judicial functions, might yet be the possessor of faculties which would qualify him for an executive career. It is even conceivable that error of egotism or judgment, which would discredit the Bench, might be condoned in consideration of exceptional abilities or service in other spheres of employment. In common with the Local Government, we have made a careful examination of Mr. Pennell's previous record of service. We desire now to acquaint Your Lordship with the result." In other words, these matters are brought up not because they have any relevance to the Noakhali case, but to show that I am not fit to be an executive officer; it is these matters, says the Lieutenant-Governor, which caused my "removal" from the executive branch.

In view of these arguments, and of this statement, His Lordship may be surprised to hear that I was actually gazetted to act as Collector of Rungpore in October, 1895. The order, no doubt, was cancelled, but only because the officer who was to relieve me as Judge was not relieved himself. The two demi-official letters from Mr. Cotton, then Chief Secretary to the Government of Bengal, dated 15th October and 16th November respectively, of which I annex copies (Enclosures O. and P.), will show His Lordship how much truth there is in the statement that I was "removed from the executive branch" on account of misconduct in Burma. In the latter of these letters Mr. Cotton explains, and expresses regret, for the cancelment of the order posting me to executive employment, and says that my having officiated as a Judge by no means pledges me to join the Judicial service. And though I have no writing to prove it, I may add—and possibly Mr. Cotton may remember—that it was *at my own request* that I was first appointed to act as Judge instead of Collector. I wanted to see what the work was like—and that Mr. Cotton opposed my becoming a Judge on the ground, *inter alia*, of my comparative youth—no one, he said should be a Judge before 35, while I was then only 29.

I asked to be appointed as Collector in October, not because I thought it a superior post to that of Judge—in fact, I should have lost a little pay—

but because no man, at all events no young man in India, likes to be a Judge in the cold weather.

If my conduct in Burma had disqualified me for executive employ, I submit it would have been an even greater disqualification for the appointment of a Sessions Judge, with its far greater responsibility. But apart altogether from any *a priori* reasoning of this kind I have shown that the Government of Bengal in October, 1895, with a full knowledge of the facts did not consider me unfit for executive employ. And if these incidents of 1893 and 1894 did not disqualify me for such employ in 1895, when they were near, still less, I submit, can they be held to be a sufficient disqualification in 1901, many years after.

I submit that these incidents have been introduced, not to prove my unfitness for executive employ, but to prejudice His Lordship against me. And I may be allowed to express my confidence that if His Lordship permits himself to be prejudiced by them at all, it will be not against me, but against those who without any justification have raked up against me these indiscretions of my youth.

The Governments of Bengal and India have briefly reviewed the whole of my service before my return to Bengal. I think it probable that this was done only to excuse the introduction of the Burma charges; but as there are also general charges of "incompetence" and "want of ability," and as it is stated that I was "returned to Bengal" from Burma, and that there are "no extenuating circumstances in my career," it may be as well that I should say a few words on this also—even though I can hardly avoid the Scylla of "incompetence" without falling into the Charybdis of "vanity" with which I am also charged.

And first, I would remark that there is such a thing as a confidential character book, and that, so far as my experience goes, the reports entered in this character book by the Head of the Province are invariably quoted in cases of this kind. Why are they omitted in this case? Is it out of any consideration for me that His Lordship is not allowed to know what was recorded concerning me, when they were leaving those Provinces, by Sir Steuart Bayley, Sir Charles Eliott, and Sir Alexander Mackenzie in Bengal—by Sir Charles Crosthwaite in Burma. I submit that these reports have been kept back because they will not support the case put forward by the Government of India.

The two Governments have reported that I was employed as an Assistant Magistrate in Bengal from November, 1886, to March, 1889. They omit to mention that I passed my departmental examinations, and so qualified myself for promotion six months before any one who came out with me, and that I was honourably mentioned in the annual Reports of the Board of Revenue for 1887-88 and 1888-89, I being the *only* Covenanted Deputy Collector of my standing commended in *both* of them.

They say that I was employed from March, 1889, to the end of November, 1889, in the Account Department, which I left at my own request. I entered the Accounts Department at the invitation of Mr. Sinkinson, the Financial Secretary, who wrote me that the Finance Department "offers greater opportunities than any other public Department." (His letter is Enclosure Q.) I do not know if my requesting to leave the Department is considered discreditable. I would only point out that few young men of 24 care to remain all their lives in an Account Office, and that it has lately been decided by the Financial Department that it is not even to the public interest that they should remain in it more than a certain time. That, however, I was not considered a failure will, I think, be apparent from two facts—

1. That when I tendered my resignation Mr. Gay, the Comptroller-General, came over and tried to induce me to withdraw it.

2. That so late as December, 1898, Mr. Cox, the present Comptroller-General, asked me if I would accept an officiating appointment as Accountant-

General of the North-Western Provinces (vide his letter of 14th December, 1898, Enclosure R.).

It is said that I was transferred to Burma. Now, as Burma is an unpopular Province, the suggestion may be that I was sent there as a punishment. To show that this is not so, I beg to subjoin a letter (Enclosure S.) from Mr. Buckland, then Revenue Secretary to the Bengal Government—the very officer who, by the irony of fate, has been ordered to sign the Bengal Government's letter recommending my dismissal. It will be seen from this letter that he was informed by Sir John Edgar, the then Chief Secretary, that I "had been specially selected to go to Burma, on a personal application, twice made by the Viceroy himself to the Lieutenant-Governor, to send two of the best of the junior men in Bengal."

The Government of India state that I served in Burma in various capacities, all of which, *save one*, they enumerate. It is strange that their "careful examination" has not disclosed the fact that I was for eighteen months Under-Secretary to the Chief Commissioner. The first Chief Commissioner under whom I served as such was Sir Charles Crosthwaite, now a Member of His Lordship's Council. He will be able to tell His Lordship whether or not I gave satisfaction.

For another eighteen months I was employed as Settlement Officer. Some time back I destroyed the copy which I kept of the Secretariat notes concerning my appointment as such. I remember, however, that the Revenue Secretary and the Director of Land Records concurred that they "could have no better man than Pennell." The notes will be on record in the Rangoon Secretariat. I may say that I left the Secretariat at my own request, not because I was not getting on there, but because my health would not stand the long hours of office work. The Chief Secretary, the late Sir Edward Symes, urged me to stay, and said that if I did I would be made a Secretary.

With regard to my Settlement work, I have already said that it was virulently condemned—after he had seen Chapter V. of my report—by the Financial Commissioner, but that Sir Alexander Mackenzie did not share his views, and issued a counter Resolution. I will here add that after personally inspecting my work in the field and reading the first four chapters of my Report, but before seeing the fifth chapter, in which I criticised his methods, Mr. Smeaton had expressed himself highly pleased with me, and that just before the Report came out I was informed by the Revenue Secretary (in his No. 518/L.-2, dated the 27th April, 1893, Enclosure T.) that the Chief Commissioner intended to appoint me to act as Director of Land Records—a step not likely to be taken without the Financial Commissioner's approval. The Director of Land Records, I may say, was then the head of the Settlement Department, and the Financial Commissioner's principal subordinate. I may also say that a Settlement Manual which I compiled is the basis of that now in use throughout Burma. My Amherst Settlement Report is, I believe, in the India Office. I annex a copy of Sir A. Mackenzie's Resolution (Enclosure U.), for the tattered condition of which I apologize. I did not know I should have to use it in this way. That Sir Alexander Mackenzie thought I had not been fairly treated may, I submit, be inferred from the fact that he directed a copy should be sent me. The letter forwarding it is annexed (Enclosure U.).

As Sir John Woodburn states that I was declared unfit for the charge of a District, I may be allowed to point out that this was a punishment for an isolated act, and that as I was subsequently placed in charge of the heaviest District in Burma (and that too though I had never before been a District Officer) it may be presumed that the authorities there did not consider my disqualification a permanent one. In a demi-official letter of 24th November, 1893 (Enclosure V.), Sir Edward Symes writes that "Courneuve," the Deputy Commissioner under whom I was serving, "speaks in the highest terms of the assistance he receives from you." On 25th December he wrote (Enclosure W.) urging me to stay in Burma, and said "the Chief Commissioner will, I know, be sorry to lose your services in this Province." And on the 10th February, 1894, he wrote that "The Chief Commissioner proposes to transfer you next month to the charge of the Thongwa District, which as you no doubt know is considered one of the most important in Lower Burma." (Enclosure X.)

Sir Alexander Mackenzie, in the note enclosed by the Government of India, alludes to my being, after some months in Thongwa, in a state of nervous tension. He has omitted to mention that of the three Deputy Commissioners who had preceded me there—all experienced District Officers—two had broken down, and had to leave, and that shortly before his visit in July, 1894, I had completely collapsed from overwork, and had had to lie up for a week on medical certificate. That my administration of the District was not altogether a failure may, I submit, be inferred from the fact that when he was in his angriest mood Sir A. Mackenzie could find nothing worse to say of me than that my Reports were late; that while I was still under suspension he publicly complimented me on the efficiency of my police administration (a matter referred to in Mr. White's letter, Enclosure H.); that in the Revenue Report next year the Financial Commissioner although suppressing my name admitted that the capitation tax had been well collected in the District; last, but not least, in the fact that in the Munro case, although the higher officials escaped scot free, Mr. Munro himself and nearly the whole of the Land Records staff who had served under him were dismissed. As with the Police in Noakhali, I had succeeded in convincing even Government that the administration of one of their Departments in the district was not in a satisfactory state; but there, as here, I got but small thanks for the demonstration.

That I was not "returned to Bengal" against my own wishes will appear from Sir Alexander Mackenzie's letter (Enclosure N.), to which I replied that I wished to return. I may say that I was sent to Burma for five years, with option of remaining or returning at the end of that period. I chose to return. Three other officers, one from Bengal and two from Bombay, were sent to Burma at the same time, and on the same terms as myself. They all chose to return. I regret that the wording of the India Government's letter has rendered this paragraph necessary. It will be seen that the Burma Secretariat were unwilling to let me go at the end of 1893; that Sir Alexander Mackenzie asked me what I wanted, and that Sir Frederick Fryer would have been sorry to lose my services.

After my return to Bengal I was, no doubt, exclusively employed in a judicial capacity. But I have already pointed out that I was not "removed" to the Judicial Branch of the Service, and that Government was willing in 1895 to employ me as an executive officer. That I was not considered a failure as a Judge may, I submit, be gathered from the fact that in September, 1897, I was appointed to the charge of Mymensingh, the heaviest district from a judicial point of view in Bengal (or for that matter in India), with an area of 6,000 square miles, and a population closely approaching that of Scotland or Ireland. I would solicit a reference to Mr. Chief Secretary Bolton's letter of 18th September, 1897 (Enclosure V.). "A strong Judge," he writes, "is wanted there . . . You are likely to deal with the heavy work there more effectively than most of our Judges." This, I submit, is hardly consistent with "incompetence." I may add that in December, 1897, Sir Alexander Mackenzie informed me that the High Court had reported on me very favourably.

With regard to my work in Noakhali, where I was stationed from November, 1899, I beg to point out that the remarks contained in my letter of 26th December, 1900, to Mr. Chapman (Exhibit X 8 in the Noakhali case, page 101, Part II. of the Paper-book [Appendix, page 335]), have never been controverted. I repeat them here:—"I would solicit a reference to the returns for the September quarter, which will show that the work is well up to date. I may also add that with one trifling exception not a single order of mine has been reversed or modified by the High Court during the whole time I have been at Noakhali." (This was then true—as I shall point out later on, my judgment in the Noakhali case effected as complete and rapid a change in the High Court's estimate of my judicial work as the publication of my Report did in Mr. Smeaton's opinion of me as a Revenue officer.)

If I do the work there is to be done, if none of my decisions are altered on appeal or revision, if the Bar and the public are satisfied with me, what more can Government want? Nor is it the fact that Noakhali is a light Judgeship; without a Subordinate Judge it is, as pointed out in my judgment (page 153 of the Paper-book [Appendix, page 255]), a very heavy one, and Government has now been compelled to send a subordinate Judge there. A reference to returns will easily prove that in 1900 I did more Civil work than the average Sub-Judge (who has nothing else but Civil work to do) and that I did all the criminal work and inspection work besides.

I submit that I have done good work as an Assistant Magistrate, as an Accounts Officer, as an Under Secretary, as a Settlement Officer, as a Deputy Commissioner, and as a Judge; and that the India Government's final observation that there is no extenuating circumstance in my career is incorrect and unfair.

I now come to the charges affecting my judicial career. The first of these is that I have "repeatedly abused my official position and powers." The only instance given, apart from the Noakhali case, where I have been *judicially held* to have made even a mistake is that of Empress *v.* Baroda Nath Bhattacharjya, a Sub-Inspector of Police, whom, in May 1898, I directed to be committed for trial. The High Court set aside that order in July, 1898.

Even assuming that the High Court were right and I was wrong, I submit that the fact that I made a mistake on a point of law can hardly be termed an abuse of my position and powers. Still less can it be said that *one* such mistake in six years constitutes a *repeated* abuse. Subordinate Judges are constantly being held by Appellate Courts to have erred; I believe that the High Court themselves have sometimes been set right by the Privy Council. The point in this case was whether the Deputy Magistrate had jurisdiction to acquit (of a minor offence) a man who was charged before him with a graver offence which the Magistrate was not himself competent to try, but only to commit to me for trial. I held that he had not jurisdiction, and that I had, and directed the man to be committed for trial. The High Court held that the Magistrate had jurisdiction, and that in consequence I had not, and set aside the order of commitment.

It was not, I submit, a grave fault for me to err in such a matter—the less so as it was easy to correct my error. And I submit that it would be specially dangerous to punish a Judge for making an error against Government. (In practice the cause of every Sub-Inspector of Police *is* the cause of Government.) No Judge can tell to a certainty what view an Appellate Court may take, while every Judge knows he is not likely to get into trouble personally by making a mistake on the Government side.

As, however, I am now sought to be prejudiced personally by the High Court's decision, I submit that I should be allowed to show that the High Court were wrong and I was right. I may premise that before passing my order I had discussed the point of law and shown the case to Mr. P. L. Roy, who, as I have said, has the largest criminal practice in Calcutta, and that he advised me to do as I actually did. By a curious coincidence, Mr. P. L. Roy was actually offered the Sub-Inspector's brief, which he refused on account of having discussed the matter with me.

Mr. P. L. Roy was in Court when the case came on for hearing, and he is my authority for saying that my explanation was not even read. He wrote me on 2nd July, 1898: "That case in which you had ordered a commitment came on for hearing yesterday; Hill appeared for the petitioner. No one appeared for the complainant, and the rule was made absolute in five minutes. O'Kinealy directed that your remarks about the District Magistrate, Deputy Magistrate, and the Local Government should be expunged. This is the way justice is done. The Policeman oppresses; the Courts sympathise not with the oppressed but with the oppressor." It will be seen that my side of case was not heard at all—the complainant being unrepresented. It was natural under these circumstances that the High Court should accept the view put forward by the petitioner's Counsel, which was a short and easy way out of the case, rather than consider my "very long and elaborate proceeding"—or the equally long explanation which I submitted in answer to the rule. Even the statement of facts in the High Court's judgment is misleading. The reason why the complainant went to the District Magistrate before coming to me was that I had gone to Calcutta for the Christmas holidays—what he asked the District Magistrate to do was to stay the Deputy Magistrate's proceedings till he could apply to me—the Deputy Magistrate was hurrying on the case so as to finish it before I could interfere. Nor is it correct to say that I decided that the proper course would be for Government to appeal. The Local Government have not thought fit to give my judgment, so His Lordship cannot see for himself what I *did* decide. Unfortunately I kept no copy of my judgment myself, not thinking it would affect me personally.

I now turn to the point of law.

The charge against the Sub-Inspector was that he had wrongfully locked up a cultivator in his Police Station in order to extort money from him. Now, wrongful confinement by a private person is an offence under section 347 of the Indian Penal Code, and is triable by a Magistrate. But wrongful confinement by a Police Officer, acting as such, is a graver offence, punishable under section 220 of the Indian Penal Code, and triable exclusively by the Court of Session.

A Magistrate dealing with the first offence, as he can try, can acquit, in dealing with the second offence, he can only commit or discharge. There is an appeal to the Sessions Judge against an order of discharge; there is none against an order of acquittal *by a Court of competent jurisdiction.*

Further, under section 209 (1) of the Code of Criminal Procedure, a Magistrate enquiring into a charge of a Sessions Offence cannot reduce it to a minor offence, cannot convert the *inquiry* into a *trial*, unless and until he finds that there are not sufficient grounds for committing the accused person for trial.

Now, in this case there was no question that either the Policeman had committed no offence at all, or he had committed one exclusively triable by the Court of Sessions. What the Deputy Magistrate did, however, was, notwithstanding the repeated protests of the complainant, to charge, try, and acquit the accused of the minor offence, and so, as he thought, prevent all further proceedings.

I held that he had no jurisdiction to do this, and that as he had tried the accused without jurisdiction his proceedings were void. On the evidence recorded by him I directed that the accused be committed.

Under section 530 (p) of the Code of Criminal Procedure, if a Magistrate not being empowered by law in that behalf tries an offender, his proceedings are void. The Bombay High Court have held that in such a case it is not necessary that the order of acquittal passed by the Magistrate should be set aside by the High Court before further proceedings are taken—Emp. *v.* Husein Gaibu, I.L.R., 8 Bom. 307.

It may assist His Lordship if I point out that the High Court's ruling in this Mymensingh case practically amounts to this, that if a man is charged with murder, a Justice of the Peace can successfully stay all further proceedings by trying and acquitting him of simple assault.

This is the solitary instance, apart from the Noakhali case, in which I am said to have abused my powers as a Judge. In the other cases cited by them, the executive authorities complain, not of what I did, but of what I *said.*

As regards the charge of using bad language, they refer to this case, and to two appeals decided by me at Chupra—one of them the case which the Government of India, thanks to me, are constrained to call "the notorious Chupra case."

I would solicit His Lordship's special attention to the fact that in *every* case cited by Government in which I am said to have even spoken roughly of any one, the persons on whose behalf Government are so concerned are their own executive officers or themselves; they have not given a single instance where even in their opinion I have "abused my official position and powers" to the detriment of any private individual.

Yet I submit that from the standpoint of the public it is private persons rather than officials who need to be protected against the abuse of official position and powers—and that the newspapers are full of cases where official position and powers are abused by Judicial officers or officers exercising judicial functions at the expense of private persons. Complaints are continually being made by private persons, and frequently with very good reason, of the way in which Magistrates and even Judges abuse their official position and powers. The officials against whom these complaints are most freely brought do not, however, so far as I or the public can judge, incur the displeasure of His Lordship's subordinate Governments, on the contrary many of them seem to be in particular favour. Yet when anything is even said by a Judge against an official these Governments exhibit the most extraordinary sensitiveness, and apparently consider the truth of the remarks an aggravation of their enormity.

With this sensitiveness should, I submit, be considered the extreme unwillingness of those Governments to admit the existence of any defects either in their system of administration or in the personnel they employ; still more to take any steps to eradicate those defects. Of this there can hardly be, I submit, a better example than "the notorious Chupra case," and its treatment by the Government of Bengal and by the Government of India.

I have observed in my judgment in the Noakhali case (page 98 of the High Court Paper-book, Part I. [Appendix, page 224]):—

> "It would be better if the higher officials of Government did not think, as they do think, that it is their policy and their duty (I know that with men in their position *utile* is apt to seem *honestum*) to screen their guilty subordinates and to reserve all their indignation for anyone who thinks it his duty to expose those subordinates' guilt. Their maxim would almost appear to be, 'It must needs be that offences come, but woe to that man by whom the offence cometh.'"

I submit that there could be no better index of the truth of these remarks than the fury—for I can find no other term—with which they have been received by the Governments concerned. As Lord Rosebery has recently observed, when the naked truth is told in the political world, it produces an amount of anguish, howling, and misery unspeakable, which is the real test of its veracity.

Sir John Woodburn states that my service in the Judicial Branch of the administration has exhibited only a development of certain characteristics which I first displayed in Burma. So far this is true that in Burma also I have suffered from my fatal gift of convincing other people—though in that case only my immediate superiors—that there were potentialities of improvement in the administrative machine. To the way in which I was punished for my Amherst Settlement Report I have already adverted. But I may be allowed to quote here the words of Sir Alexander Mackenzie's subsequent pronouncement:—

> "The Settlement Officer is, no doubt, sweeping in his denunciations, but it is a well ascertained fact that the revenue administration of Moulmein has in the past been atrociously bad, and that the local officers in past years were weak and incompetent. A general reform in every direction must be insisted upon. Chapter V. of Mr. Pennell's report may be altogether out of place, but the Chief Commissioner trusts that proper steps have been taken to prevent the recurrence of the evils he has brought to light.

Can any sane man contend, I would submit, that the Government of Bengal and the Government of India have taken proper steps to prevent the recurrence of the evils I brought to light in the Chupra case, or that they would have taken any steps at all, or were likely to take any steps at all, but for the fierce light which I succeeded in focussing upon their proceedings?

The policy of His Lordship's subordinate Governments is, I submit, a policy of hush-up; and the gravamen of the indictment against me is that conduct like mine renders such a policy impossible. It is for His Lordship to say whether the policy of hush-up is to be abandoned or Judges like myself dismissed. For I admit there is no third alternative.

The two Governments refer to judicial censures of my language. The only instance they give before the Noakhali case was that of the Mymensingh Policeman in 1898, in which the Registrar was directed to expunge all portions of my judgment in regard to the conduct of Government and of the Magistrate and Deputy Magistrate. The Government of India style these remarks objectionable, but they have not quoted them, and apparently have not seen them. If His Lordship is inclined to attach any importance to the matter, I would solicit that the Judgment should be called for—it is in the Court at Mymensingh, and the expunged remarks are or were perfectly legible. I submit that these remarks are kept back because every one would see their oppositeness to the Chupra and Noakhali cases.

As I have before submitted, the case was heard *ex parte*, and the Judges who decided it did not take the trouble to understand it. If they had desired to lay down a rule for my conduct, it is to be presumed they would have given clearer expression to that rule. It is hardly to be supposed that they meant to lay down the rule, that a Judge should never say anything about the conduct of Government or of District or Deputy Magistrates, even though, as in that case, such conduct was the direct issue before him.

The two Governments refer, however, to certain "instructions" of the High Court given in connection with the Chupra case. (The Bengal Government, less well-advised than that of India, tacitly admit that the case of Sheonandan Singh and others would never have been heard of but for the Chupra case.) I think it a sufficient answer to this to point out that these remarks of the High Court were entirely extrajudicial, and that I was not only justified but bound, as a lawyer, to pay no attention whatever to them—or rather, no more respect to them than may be due to the private opinions of the Judges.

It might be very convenient if the executive Government *could* get Judges to sit in secret, bring pressure and solicitations to bear upon them, and get them to pronounce decisions affecting persons against whom Government had a grudge, without hearing what those persons had to say, or even informing them that any proceedings were being held. But such proceedings are not *legal*; for the Judges who hold them are not sitting *as a Court*. Publicity and hearing both sides, the very element of judicial procedure, are wanting.

The letters of His Lordship's subordinate Governments are calculated to lead His Lordship to believe that in sending me their letter, No. 1247, dated 20th March, 1900 (Enclosure No. 2), the Judges acted of their own accord, and that they were unanimous. I therefore extract the following from a letter of Mr. P. L. Roy's, dated the 6th March, 1900, which was the first intimation I had of these proceedings (Enclosure Z. is a copy of this letter). It will be seen that Mr. Roy derived his information from Mr. Justice Ghose, who is still a Puisne Judge of the Calcutta High Court. His Lordship can easily verify its truth by referring to the latter gentleman or to Mr. Justice Stanley, who has since been appointed Chief Justice of the High Court at Allahabad.

> "It appears," says Mr. Roy, "that the Government of India sent a reference to the High Court against your now famous judgment in the Chupra case, with the object, it appears, of strengthening the hands of the Secretary of State against any possible attack in Parliament, or it might be to prejudice him against you, so that he may not of his own accord take some action against the Government and in your favour. The Judges were asked to pronounce an opinion upon your judgment—in particular with regard to the strictures on the officials; they had two stormy meetings on the subject, and the very

> judges whom you despised on account of their want of stamina and lack of education in Europe stuck up for you, and all your brother civilians were bitterly opposed to you and were in favour of reporting against you, but the facts of the case were too strong for them. Old Chunder Madhub had got up the facts very well and met Macpherson and Prinsep upon every point. Finally, it was decided to report to Government that apart from the fact that the language of your judgment was intemperate they had no other fault to find with it. Prinsep and Macpherson actually argued that your procedure in examining those officials was irregular, and when Ghose pointed out that the Deputy Magistrate had refused to give an explanation, they still said the examination of those persons might have been avoided. The men who supported you were Ghose, Banerji, Amir Ali, Stanley, and Chief Justice. Sale came in late, and nobody could understand what he did say on the subject, but it appears he said something without joining in the voting. The Indian Government further asked the Court what action they would take against you, upon which a reply has been sent to the effect that they would communicate their views to you direct."

His Lordship will now see why in Lord Curzon's Chupra case Resolution the letters which passed between the Government of India and the High Court are not reproduced. The reason is that Lord Curzon tried to get the High Court to report to the Bengal Government against me, so that " action " might be taken thereon. The attempt proved unsuccessful, and so the utmost the executive authorities dared to do was to keep me in the worst station they could find, and refuse me leave.

Mr. Roy continues:—

> " There was some other reference against you by the Bengal Government with reference to some remark about some Canoougoes as a class, one of whom had given evidence before you, and the High Court had to condemn the language of your remark."

This is an allusion to the case of Sheonandan Singh and others, which was raked up by the Bengal Government in the hope that it would prejudice the High Court with reference to the Chupra case. If I had been asked about the matter I would have pointed out that not only was the "document" referred to in the High Court's letter, and made by the Canoongoe, inadmissible on formal grounds, but that the fact stated therein—the fact of the complainant's possession—was false, that there was good reason to believe that it was false to the knowledge of the Canoongoe, and that the person benefited by it was a comparatively rich man, while the appellants, whom, with the help of the Police, he had tried, on the strength of the Canoongoe's report, to turn out of their land by force, were poor cultivators. The Settlement Department in Bengal are prone to rely, on account of its cheapness, on corrupt native agency, and I thought myself justified, in a case in which this reliance had resulted in a riot and in criminal proceedings, in drawing attention to its impolicy; I have been a Settlement Officer myself. In Burma we never even let these Canoongoes express an opinion in cases of disputed possession—we knew it would be just a case of who paid them most. His Lordship will observe that the Bengal Settlement Department and the Bengal Government are up in arms because it is hinted that the veracity of these men's reports may be open to suspicion, that it is not safe to regard them as gospel truth.

I would commend to His Lordship's attention some remarks contained in the same letter, by Mr. Roy himself, which show how these matters are regarded by an educated native gentleman with the best means of forming a correct opinion:—

> " Dyspepsia is not the only disease for which this is a bad country. I think there is another disease for which this country is more unsuitable—I mean for those people who suffer from 'prickings of conscience.' The Government of India must know that you were absolutely right on the merits, but your judgment if accepted by them would mean an absolute condemnation of the system of Government which prevails in this country, therefore you must be sacrificed in some way or other. The Government of Bengal sends you to Noakhali on account of this case, and afterwards unblushingly declares that it was not due to that, but the exigencies of the service, only nobody has yet explained why you of all others should be sacrificed to these so-called 'exigencies.' "

I submit that the real grievance of the executive authorities with regard to my language is not that I write badly, but that I write too well; that what I write the public reads; that my judgments cannot be filed or pigeonholed; that they dare not ignore them, or the abuses which I expose. Let not His Lordship for a moment suppose that those abuses are exceptional, still less that my views with regard to them, and with regard to the system by which they are perpetuated are peculiar to myself; that there are not plenty of other Judges intelligent enough to see, and honest enough to abhor them. The reasons why His Lordship has heard of me and has not heard of those other Judges are two: the first, that it has pleased God to give me the power of expression above my fellows, and that hence I can denounce these abuses *effectively;* the second, that I need little. There are few Judges who *could* expose His Lordship's subordiate Governments as I have done: fewer still, who would dare to do so if they could. It is no part of the policy of His Lordship's subordinate Governments that any dangerous ability should find its way from the Civil Service to the Bench, they are not anxious that the only practical check upon their action which the circumstances of India allow should be too effective; it is to their interest that Sessions Judges and High Court Judges should be, as much as possible, mediocrities; that if they must have Judges of some sort they should have Judges not capable of giving trouble. And these men, most of them, have wives and children; few of them have saved anything, fewer still have a profession to fall back upon. They *dare* not bring abuses to light; and, in the great majority of cases, would sacrifice themselves to no purpose if they attempted to.

The independence of the subordinate Judiciary in India, as I have pointed out in my judgment in the Noakhali case, is a sham. The forms of freedom are there, but nothing more.

Two years ago a memorial was submitted to His Lordship by ten of the most eminent authorities connected in the past with the administration of justice in India. The foremost place was given in this memorial to some words of Sir Richard Garth, a former Chief Justice of Bengal, written as far back as 1895:—

> "The real truth is, as Mr. Ghose tells us, and as Sir Charles Eliott and some other high officials in India are honest enough openly to avow, that the Government of India approves this scandalous system and (whatever the Secretary of State may say to the contrary) would be very sorry to see it altered. In point of fact, if the Government had its will, the independence of the Judges would be still further controlled and the High Courts themselves made subservient to the will of the executive."

Since the retirement of Sir Comer Petheram, the High Court of Calcutta at all events *has* been subservient to the will of the executive. His Lordship will have seen that to please the executive dissentient voices even in their own midst are suppressed, and that a majority of the Court are willing to condemn a man unheard.

The Government of India show their consciousness of the weakness of their position. They feel that they can hardly charge me in so many words with successfully exposing their own shortcomings. They accordingly disguise my real offence in a general charge of "repeatedly abusing his official position and powers."

Has a single member of the public charged me with any such abuse, either before the judicial tribunals or before themselves? Is it the case of the two Governments that people are afraid to complain of me—that the public believe me to be a special favourite of the powers that be? Is it from fear that people greet me with "ovations"?

If it were true that I have repeatedly abused my official position and powers the people would hate me, and the people who knew me best would hate me most. And if there were one class to whom I was more odious than another it would be the legal profession, for the members of the Bar are not only the leaders of such public opinion as there is in India, but from their very calling are the foremost champions of popular liberties.

What, however, does His Lordship find? That so far as appears upon the surface I am one of the most popular servants he has in India; that the people select the very moment when they no longer have anything to fear or hope from me to evince not their aversion but their goodwill; that the Bar are foremost in their expressions of sympathy; and that these expressions are loudest from those places where I have actually exercised my official powers.

From my own people of Noakhali; from those of Barisal, where I was stationed for six months, in 1895-6; from the Dacca Bar, the strongest Bar in India outside the Presidency towns; from the Bars of Mymensingh, Tangail, Comilla, Nadia, Purnea, Patna, Bhagalpur—even from that of Amritsar, the sacred city of the Sikhs—from countless private persons of every caste, creed, and rank in life, I have received the most gratifying messages of sympathy and esteem.

I will not weary His Lordship with particulars, but I think it will suffice to quote the resolutions from some of those places where I have been actually stationed, and where accordingly I should be best known.

And first I will quote the resolution unanimously adopted by the Noakhali District Court Bar Association on the 9th March, at a meeting at which, with the exception of the Government Pleader, every member of that Bar, including the two pleaders who defended the accused in the Noakhali case, was present:—

> "That this Association records its deepest sense of sorrow at the sad news of suspension of our illustrious, most conscientious, and upright Judge, Mr. A. P. Pennell, and considers it a great calamity."

I was stationed at Noakhali from November, 1899, till March, 1901.

The Judge's Court Pleaders of Mymensingh wired me on the same day (9th March):—

> "Members Mymensingh bar assembled sympathise most sincerely with you in your present troubles, and resolve to render you all assistance in their powers."

I subsequently received the following separate telegram from the Mukhtears (or solicitors) of the same place, which will show *inter alia* how the Mymensingh Policeman's case was regarded locally:—

> "The Mukhtears of Mymensingh passed the following resolution:—'That the Mukhtears of the Mymensingh town desire to place on record, in a meeting assembled at their Earle Bar Library, their deep sense of hearty sympathy at the sudden suspension of Mr. Pennell, Sessions Judge of Noakhali, and formerly Sessions Judge of Mymensingh, for his fearless independence, self-sacrifice, and unflinching devotion to a sense of justice and duty—a foretaste of which the people of Mymensingh had in the Mymensingh Police Sub-Inspector's case, and which they have found consummated in the famous Chupra and Noakhali cases.'"

The Bar of Tangail, a sub-division of Mymensingh, which is itself as large and important as most districts, sent me a separate resolution.

I was twice stationed at Mymensingh, first as Additional Judge, March to May, 1895—later as District Judge, from October, 1897, to September, 1898.

Next I will quote the resolution adopted by the Dacca District Bar on the 14th March, 1901:—

> "That the members of the Dacca Bar, at a meeting, desire to place on record their sense of deep regret at the suspension of Mr. A. P. Pennell, late District and Sessions Judge of Noakhali, some time Additional District and Sessions Judge here, who, by reason of his high sense of justice and fearless independence in the discharge of his judicial duties, has won the admiration of the profession and the public alike."

I was additional Judge of Dacca for three months of 1895. I was also stationed in the District for a year in 1886-87.

Lastly, I beg to quote two resolutions passed at a meeting of the legal profession held on the 20th March, at Kishnaghur, the head quarters of the District of Nadia, which I may say is the religious and literary centre of the Hindus in Bengal. I was stationed at Kishnaghur from December, 1887, to July, 1888:—

> "I. That this meeting wishes to place on record that Mr. A. P. Pennell, M.A., I.C.S., while acting as an Assistant Magistrate in this district many years ago, made himself highly popular with the members of the legal profession and the outside public by his able and impartial administration of justice, and by his genial courtesy to all who came in contact with him.
>
> "II. That this meeting expresses its deep regret at the undeserved suspension of Mr. A. P. Pennell by the order of the Local Government, on the recommendation of the Honourable Judges of the Calcutta High Court."

In face of these testimonies, to which I could add many others, can His Lordship believe that I have repeatedly abused my official position and powers; that the pretence that I have done so is anything but a monstrous fiction? And what, I would ask, should he think of those who put forward this fiction to ruin me?

It may be, as urged by the Lieutenant-Governor, that my action disorganises his administration. But in view of the facts I have stated, is it not possible that his administration may be all the better for a little disorganizing; that, as Sir Alexander Mackenzie said in Burma, the thing needed is not to fall foul of Mr. Pennell, but to take proper steps to prevent the recurrence of the evils that he has brought to light; that the fact that Sir John Woodburn's personal interests require that I should be crushed, and the abuses hushed up, is no good reason for doing either the one thing or the other?

I have now dealt with the charge of abuse of my official position and powers, so far as it relates to my service before the Noakhali case. There remain (1) the charges connected with the Noakhali case; (2) general charges of insubordination and vanity. With these last I will deal shortly hereafter—for the present I will confine myself to my action in the Noakhali case, and the prosecution which I instituted against Mr. Reily, the Police Superintendent of the Noakhali District, for perjury and forgery in connection with that case.

And my first submission is that His Lordship should attach no importance to the opinions *as opinions* of the Government of India and of the Government of Bengal on matters in which Lord Curzon and Sir John Woodburn are personally interested—for that those gentlemen cannot be allowed to pose as Judges in their own case. Nor, I submit, should he accept without question, as they apparently intend him to do, denials or statements which are in many cases intrinsically improbable, but which they are vitally interested in making. If their word is to be taken for anything they may choose to say, any representation of mine to the contrary must needs be abortive. Their statements should, I submit, be weighed in the same balance as those of any body else; it should not be assumed that whatever they say must be true, however improbable it may be in itself, and however strong may be their private motives for saying it.

To begin with the Lieutenant-Governor of Bengal—" It is due to Mr. Rampini," he says, " that it should be mentioned here that he has volunteered to Government an explanation which, as might have been expected, is perfectly satisfactory." Sir John Woodburn has not given Mr. Rampini's explanation—he does not give His Lordship the chance of judging for himself whether the explanation is satisfactory—he expects His Lordship to accept his own opinion on the point without question. I, on the other hand, submit that it is difficult to imagine that any explanation which Mr. Rampini chose to give *would be* other than perfectly satisfactory in the eyes of Sir John Woodburn, or that it would appear on paper to be given under compulsion. And to assist His Lordship in the absence of the explanation itself in forming an opinion of his own, I may add that Mr. Rampini cannot deny a single statement which I have made with reference to him without being guilty of deliberate, and what is more, of easily detected, falsehood, that a statement of the facts was published in "Capital" soon after my judgment appeared, without contradiction on his part, and that Mr. Yule had shown me original papers, which prove that Mr. Rampini not only contributed the largest money stake, but was actually Chairman of the syndicate formed for promoting " our Company made to sell."

Next Sir John Woodburn says, with reference to Mr. Buckland's letter of the 26th January, Exhibit X 18, " Nothing could have been further from the intention of Government than to interfere with or appear to interfere with or intimidate Mr. Pennell in any way."

I certainly never expected Sir John Woodburn to *admit* that he meant to intimidate me; but I cannot concede that any importance should be attached to his *denial*, apart that is from any evidence or arguments he may offer to show, that the letter was *not* designed to intimidate me.

Sir John Woodburn goes on to say that up to the 8th February Government had no knowledge of the case, or any information whatever regarding it. I will adduce later on some facts which appear to me to prove the contrary. Here I will only remark that a denial of knowledge is what we might expect whether Sir John be innocent or guilty; that this being so, the denial is no proof of his innocence. Men who do these things must lie about them; they cannot afford to tell the truth.

Sir John Woodburn considers the language of my memorial of 21st March to be disrespectful and improper. It may be—but whether it is so or not, it is natural that he should consider it to be so, inasmuch as it imputes disgraceful conduct to himself. His opinion cannot be regarded as settling the question, nor can he be deemed an impartial judge.

"His Honour's" opinion that I cannot be again placed in the office of Civil or Sessions Judge may be, and very probably is, genuine enough—I am ready to believe that he would be very sorry, notwithstanding his "consideration" and "compassion" for me, to see me back again—but I submit that his opinion may be coloured by personal bias. Sir John Woodburn's denial that my transfer to Noakhali or my retention there had anything to do with the Chupra case was to be expected. He *must* say that. Nobody else believes him; perhaps His Lordship may. As also his statement that the Noakhali District is not in any sense an undesirable one.

It is natural that Sir John Woodburn should believe, or say that he believes, that my statements (slanders and insinuations he calls them) have been inspired by malice; that I had no justification for my "surmise" as to the letter of the 26th January. What is not natural is that anyone besides Sir John Woodburn should attach any importance to Sir John Woodburn's belief on these questions.

The fact that Sir John Woodburn concurs with certain opinions expressed by the High Court does not, I submit, add any extra weight to those opinions. He naturally concurs with any opinion which is in his own favour.

In his letter, No. 299, A.D., dated 19th May, reporting my departure from India, Sir John Woodburn, not content with the roles of accuser and Judge, assumes that of prisoner's friend. He has no plea, he says, to offer on my behalf in mitigation of sentence. His Lordship will excuse my remarking that I have given Sir John Woodburn no power of attorney, and that if I could not plead my own case, he is the very last advocate I would choose.

The same affectation of a judicial attitude is to be found in Lord Curzon's Despatch. It is natural that Lord Curzon should be of opinion that my conduct entirely merited any censures the Judges of the High Court might think fit to apply to it; that indignation directed against himself could not be righteous; that he should think that my accusations against the Government of India (himself) in connection with the notorious Chupra case were destitute of any truth from beginning to end. But what does not seem to have occurred to Lord Curzon is that his opinions on these matters may be less valuable than those of persons less directly interested in them.

I will ask His Lordship to form his own opinion on these matters—not merely to say "ditto, ditto," to those of Lord Curzon and Sir John Woodburn. The opinions of these latter might be of great value, if they were not themselves upon their trial; as it is I submit that those opinions as opinions, and apart from the grounds (if any) on which they are based, are of just no value at all.

There remains the opinion of the High Court, or rather of the two Judges, Amir Ali and Pratt, who decided the case of King-Emperor *v.* Sadak Ali, and others, and King-Emperor *v.* Reily. Whatever opinions the rest of the

Court, or rather the majority of the Court, entertained were neither formed nor expressed judicially—are incapable of citation in any Court of Law. No Judge can either form or express opinions judicially, except when deciding a case in due course of law.

Now, these two Judges were of opinion that in the Noakhali case I had reversed the wholesome rule and right principle of law—that a person accused of a crime should be presumed to be innocent until he is proved to be guilty—that Aslam and Anwar Ali, two of the persons I had convicted of murder, were not guilty; that Sadak Ali had not had a fair trial; that I had started upon the trial with the settled idea that not only the accused before me, but the others, whose names had been given by the complainant and his partizans, were guilty. That in my observations on the conduct of the Superintendent of Police I had exceeded all legitimate limits of criticism; that I had introduced into the judgment matters which had not the remotest relevancy to the case, and comments on persons who had no connection or concern with it; and that I had introduced upon the record, against all rules and principles of evidence, documents which had not the faintest bearing on or connection with the case which I was trying. In the Reily case the same Judges expressed the strongest disapproval of my action in committing Mr. Reily to prison for nine days when there was not even a *primâ facie* case against him. They held that "apart from the illegality of the order of commitment, and dealing with the merits of the case, there was no ground for the proceeding," and that "in my judgment, beyond surmises and assumptions, they found nothing to justify the view that Mr. Reily had wilfully perjured himself or intentionally given false evidence in Court. There was less ground even for the charge of forgery."

The judgments being long, I have quoted as far as possible from the summary of them given by the Government of India, which is not likely to minimise the case against me.

Now, the opinions expressed by the learned Judges must, in the very nature of things, be based upon certain findings of fact. If it be believed that Aslam and Anwar Ali were not guilty, and that I had no good reason for believing them to be guilty; if it be believed that Mr. Reily did *not* commit perjury and forgery, nor had I any good reason to believe that he did; if I *did* prejudge the case against Sadak Ali and his co-accused; if it be held that the letter of the 26th January, which is now admitted to have been sent by Sir John Woodburn's orders, was not intended as a threat, and that I had no reasonable ground for believing it to be such, then it may be that the strictures of the learned Judges are justified. But if the findings with regard to these facts be in my favour, then certainly those strictures are quite unjustifiable.

I quite agree that my "attack on constituted authority," and the documents by which I supported it were foreign to the question of the guilt or innocence of the accused—had no more to do with that question than the letter from Mr. Bourdillon, which I filed with the record of the Chupra case, asking me to try that case *in camera*, had to do with the guilt or innocence of the appellant, Narsingh Singh. But I introduced those matters, and I submit that I was fully justified in introducing them—nay, that it was my duty to introduce them—because I believed, and had good cause to believe, that the executive Government was attempting to intimidate me—not, indeed, in the interests of the men I was then trying, but in the interests of Mr. Reily, their European District Superintendent of Police, whom they knew I intended to prosecute. Will His Lordship for one moment hold that *if* I entertained such a belief, even though I wrongly entertained it, I was doing other than my duty in denouncing the attempt to intimidate me? If I believed, whether rightly or wrongly, that it was my duty to prosecute Mr. Reily, and that Government were bent on burking the prosecution, was it not my duty to endeavour to prevent their doing so? Have the learned Judges found that I did not believe, that I did not have grounds for believing, that I had been threatened? No, as I have said, they shirk the question—express no opinion one way or the other. They might say with the Psalmist: 'Lord, my heart is not haughty, nor mine eyes lofty; neither do I exercise myself in great matters or in things too high for me." Enough for them that I speak evil of dignities; to their mind there can never be justification for introducing the wrong-doing of "high-placed officials," so it were superfluous to enquire into the reason for its introduction. Like the Judge who tried M. Zola, they hold that the interest of the State allow high-placed officials to do such things, but do not allow them to be spoken of.

His Lordship has not, therefore, the advantage of any even professedly unprejudiced opinion on this all-important question—whether the letter of the 26th January was intended to convey a threat, or rather whether I had reason to believe that it was intended to convey a threat.

The Government of India sees the importance of the question, though the High Court may not. "The fact," they say, "that there was no foundation for Mr. Pennell's contention that this letter constituted an attempt on the part of the executive Government to intimidate him with a view to prevent him from directing the prosecution of Mr. Reily is completely established in the Bengal Government's letter." Unfortunately, however, Lord Curzon, besides being implicated in my judgment, had so committed himself by his action with regard to my suspension that he can hardly be considered unprejudiced. And so I must once more ask His Lordship to form an opinion for himself upon the matter.

The Lieutenant-Governor states that when he sent me the letter of 26th January (he now admits by implication, vide his Enclosure No. 29, that it was sent by his orders) he knew nothing whatever of the murder case—that he still had no knowledge of the case till the 8th February—that my letter of the 31st December had been overlooked, and that it came before him *again* during the month of January in connection with the casual leave of Judges; that it was a mere coincidence that his letter of the 26th January was written the day after the murder trial ended. He says that he consulted the Judges of the High Court about casual leave, and that in consultation with them he issued a Circular on the subject on the 14th February. He indirectly puts this forward (it has no other relevance) as a corroboration of his story about the subject of the casual leave of Judges coming prominently to his notice. He does not say *when* he consulted the High Court, in what part of January the subject of the casual leave of Judges came prominently to his notice, or what it was—apart from the possibilities contained in my letter of the 31st December—which brought it to his notice.

It would, perhaps, be a sufficient rejoinder that even if these facts were true, they were not known to me—that on the facts known to me I had every reason to believe that the letter of the 26th January *was* an attempt to intimidate me. But I will go a great deal further than this: I will ask His Lordship to hold, in the face of Sir John Woodburn's present statements, that he *was* attempting to intimidate me, and that he is now lying in self-defence.

I submit that the consultation with the High Court about the casual leave of Judges—the issue of Circular 1 A, under date of the 14th February—are mere attempts to fabricate evidence, so as to account for the despatch of the letter of the 26th January.

Does Sir John Woodburn give a single means of checking his statement, or rather his suggestion, that it was something other than this case which caused my letter of the 31st December to "turn up again?"

The coming into prominence of the casual leave of Judges—the despatch of Exhibit X 18 on the 26th January—was the latter the effect of the former, or were they both effects of the *same* cause, and that cause the necessity of staying my hand?

Does His Lordship believe that my letter of the 31st December was *overlooked?* Even His Lordship must know that ever since the Chupra case I have been a marked man. Has the Lieutenant-Governor attempted to contradict my statements (vide page 158 of the High Court's Paper book [Appendix, page 257]) with regard to that letter? Will not His Lordship believe that Sir John Woodburn and his friend, Mr. Rampini, were the laughing stock of Calcutta official circles, owing to the correspondence which ended in Exhibit X 17? Will Mr. Buckland deny that he himself laughed heartily over the matter when I saw him on the evening of the 31st December? Was it a thing Sir John Woodburn was likely to forget or to overlook?

The reason why no notice was taken of the "imputation" was not that it was overlooked, but that in the absence of any very strong motive for bringing pressure to bear upon me, Sir John Woodburn did not think it good enough to go on with the matter, and so expose himself and Mr. Rampini to further ridicule.

If Sir John Woodburn were so anxious for Mr. Rampini's reputation, how is it that he waited with such exemplary patience for an answer to his letter of the 26th January? That the Circular was issued without any such answer, that not even a reminder was sent me?

If Sir John Woodburn had really been anxious for Mr. Rampini's reputation—if he knew nothing of the case I was trying—it was to be expected that he would insist on an immediate reply. If, however, the anxiety were a mere subterfuge to veil a threat, and the threat failed of its effect, then, indeed, there was no motive for his proceeding with the matter further.

Can His Lordship accept Sir John Woodburn's explanation of his omission to answer my telegrams—sent by me be it remembered, not as a private person but as a Sessions Judge? In trying a case, am I his subordinate? Does he consider himself above the law?

Exhibit X 18 was published for the first time in the "Bengalee" of February 26th. On the afternoon of that day was despatched the letter (Enclosure No. 29) in which for the first time Sir John Woodburn admitted by implication ("I have *again* laid the papers before the Lieutenant-Governor") that the letter of the 26th January *was* written under his orders. Till then Sir John Woodburn might yet have entertained the hope that it would not be published. This hope being removed, he attempts to brazen the matter out as he has subsequently attempted to brazen out his attempt to procure Mr. Reily's release. When it is useless for him any longer to deny the thing, he admits it, as though to say, "Well, and what if I did?"

If Sir John Woodburn so resented my request for information on the subject in January, why did he volunteer it on the 26th February? Why the "again"?

Can His Lordship believe that my telegrams of the 29th and 31st January did not even excite Sir John Woodburn's curiosity.

I will now deal with the question whether Sir John Woodburn's statement that he knew nothing of the case till the 8th February can be accepted as true.

From the 9th to the 14th of January Mr. Bignell, the Deputy Inspector-General of Police, an officer whose headquarters are Calcutta, was at Noakhali inspecting the Police office. Mr. Bignell is brother-in-law of Mr. Bourdillon, the Permanent Chief Secretary to the Government of Bengal.

On the 14th January, as admitted by Mr. Reily in his evidence (page 48 of the Paper-book [Appendix, page 194]), I went to the Circuit House, where Mr. Reily lives, and spoke to him about this case. I told him that so far as I could see he had made a mess of it, and that the probability was he would get into trouble over it. I said I thought he had better try and get a transfer, as if he were out of the way nobody was likely to say much about his share in it. Mr. Reily, whom I knew to have been very much censured by Mr. Ezechiel in connection with the case, assented, but said that though he would like a transfer, even apart from the case, he had failed to get one; he asked me to speak on his behalf to Mr. Bignell. I told him I had thought of doing that, but though it would be nicer if I did it at his request. It was agreed between us that he should broach the subject to Mr. Bignell in the course of the day, and that I would speak to Mr. Bignell in the evening.

From his evidence it appears Mr. Reily did speak to Mr. Bignell that afternoon. In the evening I myself went to see Mr. Bignell, and had a talk with him about the matter. He spoke with some bitterness about Mr. Reily, who, he said, would get any District into disorder in six months; and said he had found the Police office in a very bad state, and that Mr. Reily was quite in the hands of his subordinates. He said that there were three other District Superintendents like Mr. Reily, that if it were simply a case of moving them among themselves, he would'nt mind, but he could'nt send one bad officer to succeed another, and it meant he had to shift a *good* man every six months for each of them. Moreover, the Inspector-General could'nt make the moves himself—he had to get the Lieutenant-Governor's consent, and the Lieutenant-Governor had already refused to move Reily. Mr. Bignell admitted, however, that the District was in a shocking state, and finally said that he would write demi-officially and tell Government that they *must* move Reily—there was no help for it.

Mr. Bignell left Noakhali next morning. A few days later Mr. Ezechiel (the former District Magistrate), who had come to Noakhali to depose before me in another case, and was staying with Mr. Reily, told me that Reily had received a letter from Mr. Bignell, and was keeping very quiet about it.

I submit that I was justified in inferring from these facts that Mr. Bignell *had* written to Government about the matter. Mr. Bignell is now, I believe, on furlough, and His Lordship will be able to ascertain the facts from him direct. But whether he did or whether he did not, it was natural that I should believe he did. I do not, of course, say that he wrote *officially*—that would be most unlikely—these things in India are arranged demi-officially. If, therefore, the Bengal Government simply say there is no *record* of his writing, it will by no means conclude the matter.

I may mention that I discussed the case with Mr. Bignell, and in reply to his questions told him that so far as I could see Reily was not morally to blame—that he had merely displayed abnormal stupidity, and implicit reliance on (relatively) clever but worthless subordinates.

My speaking about the matter at all while the case was pending may seem to require explanation. I have never done such a thing before. My object in doing it then was to save Mr. Reily.

I am now accused, not by Mr. Reily himself, of "malevolence" and "vindictive malice" towards him. What enmity I bear him personally has never been stated. I say, on the contrary, and am in a position to prove, that I was on most friendly terms with Mr. Reily and his family, that hardly a day had passed in the year preceding that I had not seen them. There are only three or four of us in Noakhali, and people so placed do not remain indifferent to one another. It was never said before this case that I *disliked* Mr. Reily.

All I knew about the case before the 5th January, when I read the depositions, was what I had been told by Mr. Ezechiel. Mr. Ezechiel, as is usual in our small communities in India, used to talk over his work with me, and I remembered that he had been very angry with Mr. Reily's stupidity, as he considered it, in connection with this case. Neither Mr. Ezechiel nor I however at that time thought the case would affect Mr. Reily personally. Mr. Ezechiel attached importance to it not as affecting Mr. Reily, but as affecting Osman Ali; and any personal interest Mr. Ezechiel felt in the result was derived from the fact that this Osman Ali was the pet subordinate of the permanent District Magistrate, Mr. Cargill, between whom and Mr. Ezechiel there was no love lost.

I thought that the case would thoroughly expose Mr. Reily's incapacity (which was, of course, well enough known to me personally before), but I did not anticipate anything worse. If, however, he remained in Noakhali it was reasonably certain that the revelations of the case would lead to attacks upon him in the native press, and as he was by no means—till I made him so—a favourite of Government, I thought he might get into serious trouble, very possibly be reduced. He had only just been confirmed as a District Superintendent; for though 38 years of age, he had joined the Police late in life, and had taken many years to pass his examinations. He is a married man with a family. He had no personal enemies in Noakhali, and if the native public knew he was going they were not likely to clamour for his transfer. If they did not so know, then certainly they would have had some excuse for clamour. Moreover, as I have pointed out in my judgment, it was necessary to put things right. As I put it to Mr. Bignell, the man had to go; the only question was whether it should be said that three years of Reily were too much for Noakhali, or that three years of Noakhali were too much for Reily. Mr. Bignell concurred with me that the latter was the preferable alternative.

I have pointed out that there are good reasons for believing that Government must have heard about the case, and Mr. Reily's connection with it, from Mr. Bignell in the middle of January. But the matter by no means rests here.

On the 29th January the District Magistrate, Mr. Cargill, sent me a letter asking if he could take copies of papers as soon as judgment was delivered. It is the first time I have ever known a District Magistrate apply for a copy of a judgment which has not yet been pronounced; and even at the time of writing my judgment I suspected, and expressed my suspicions, that he was acting under orders. (Vide page 142 of the Paper-book [Appendix, page 248]. Mr. Cargill's letter, unfortunately, is in the B. file, and has not been printed.)

The District Magistrate renewed his application on the 1st February (vide Order No. 21) and again on the 6th February (vide Order No. 23).

The District Magistrate, I may point out, is my subordinate *quoad* the matter in hand. It is, *prima facie*, unlikely that he would send these impertinent reminders of his own accord. It was of course well known to him that judgment had not been delivered—he was living in the same house as Mr. Reily and meeting the latter daily—moreover the Government Pleader must have told him.

But further, in Mr. Reily's application for bail to the High Court on the 20th February it is expressly stated that the copies were applied for, not by the District Magistrate, but by the Local Government. The Government of India have not thought it desirable that His Lordship should have a copy of this application before him. I would, therefore, submit that it is printed at pages 106-8 of the "Bengalee's" pamphlet on the Noakhali case, 3rd edition, a copy of which is enclosed (Enclosure Z 1). It was not Mr. Reily's interest, though it may have been the Local Government's, to conceal or minimize their concern on his behalf. In the same petition Mr. Reily has also stated (what Government would very much like to be able to deny) that it was under instructions from them that the Government Pleader supported his application for bail.

It therefore appears that the Local Government were applying for copies as far back as the 29th of January. But yet they have the effrontery to say that they knew nothing about the case till the 8th of February!

One more proof that Government knew of the case is to be found in their paragraph 6. "On the 15th of February," they say, "a telegram was received from the Magistrate of Noakhali *to the effect* that in the Chur Uria murder case, Mr. Pennell had charged the D. S. P.," &c. If there had been no previous correspondence with Government about the case, why should the District Magistrate speak of the Chur Uria murder case? Why, again, should he telegraph to Government direct, instead of to his immediate superior, the Commissioner of Chittagong? Last, but not least, why is not the telegram quoted? Why is its "*effect*" only given?

Is it a usual thing for a Sessions Judge to order a District Superintendent of Police, as I ordered Mr. Reily on the 21st January, to be present throughout the proceedings—not to leave Court till judgment is delivered? Does Mr. Cargill, living in the same house as Mr. Reily, say that he did not know of this? That he did not understand what it meant? That he did not inform his superiors of it? That he knew nothing of the recognizance bond executed by Mr. Reily on the 7th February? Is it contended that it is usual to take such bonds from District Superintendents of Police?

What does Mr. Reily himself say (or rather have said for him) in his application to the High Court for bail?

> "That after your petitioner's examination was over, the Sessions Judge verbally ordered that your petitioner should attend Court till the judgment was delivered, and in pursuance thereto your petitioner was present throughout the trial, and the judgment being postponed from day to day your petitioner attended Court on several day fixed for delivery of judgment. On one of these postponed days your petitioner came to Court, and finding that a notice had been stuck up that judgment would not be delivered that day, left the Court before the Judge came to Court. The Judge, not finding him in Court, sent for him and took recognizance of Rs. 500 from him, and got the bond attested as witness by the 3rd Munsiff Babu Lalit Kumar Bose."

Can His Lordship, in view of these facts, entertain any doubt that the Bengal Government knew of "the Chur Uria murder case," and Mr. Reily's connection with it, all along? That "the appearance, in a native newspaper published in Calcutta, on the 8th February, of certain paragraphs purporting to be extracts from the order sheet" was neither the only nor the first time" their attention was drawn to the possibility of the development of a sensational case at Noakhali?"

What can His Lordship think of the action of the Bengal Government when they knew Mr. Reily was arrested? Their order to the Magistrate, on the morning of the 16th February, to "apply for bail?" On their own showing Government knew nothing of the merits of the case; all they knew was that I had publicly expressed a suspicion that they had attempted to intimidate me in connection with it. I submit that the very fact of my having expressed that suspicion should have put Government on their guard—should have made them especially circumspect—especially careful to avoid any action which might be construed as indicating a wish on their part that the law should *not* "take its course in respect of Mr. Reily." What, however, does His Lordship find? That *immediately* they hear Mr. Reily is in jail, and without knowing anything of the circumstances, they apply to the Court to get him out; that this failing, the Lieutenant-Governor hastens to seek the mediation of the Chief Justice.

I have pointed out in my judgment the irony of the situation (page 139 of the Paper book [Appendix, page 247]):—

> "It is the Crown which says that Osman Ali has burked this case, it is the Crown which declined to call Mr. Reily as not being a witness of truth. . . . The Lieutenant-Governor ought in theory to be anxious that these accused men should be convicted, that Osman Ali should be dismissed, and that the evidence which Mr. Reily gives on behalf of the defence should be disbelieved."

It was not I, but his own executive officer, Mr. Ezechiel, who insisted on this case being sent up for trial; it was a member of the Subordinate Executive, not of the Subordinate Judicial Service, who committed the accused for trial; it was the Public Prosecutor, his own pleader, who, at the trial, denounced Mr. Reily's perjury and forgery. Why should the Lieutenant-Governor then be so ready to assume that Mr. Reily was innocent; that he was a fitting object for an interference with the course of law which, under almost any circumstances, would lend itself to the worst construction?

His Lordship may imagine the effect which these proceedings of the Lieutenant-Governor and the Chief Justice—*when known*—had upon the public, and especially upon the native community. Some doggrel lines by a schoolboy of fourteen—a new Lillibullero—have gone the length and breadth of India:—

"The Judge it was the famous Pennell;
I am very sorry to tell
He refused to grant white Reily bail.

"They tried the effect of means of sorts;
One does bullying, one exhorts:
Obdurate Pennell repels, and snorts."

I have spoken of the effect which these proceedings had *when known*. The Lieutenant-Governor now admits that he ordered the Magistrate to apply for bail; but His Lordship need not suppose that he would have admitted it if it had been possible to deny it. I will explain hereafter the circumstances which made denial impossible. Here I will only solicit His Lordship's attention to the curious behaviour of Sir John Woodburn when the Magistrate's application proved unsuccessful. "The Magistrate was *then* informed that his application for bail having been refused, Government could do no more, and that Mr. Reily must take his own motion to the High Court." Why does Sir John Woodburn say *then*? Why does he not give the terms of the communication, or most important of all, its date? Was it sent before or after that Sunday when the Chief Justice's unofficial mediation failed? Last, but not least, why did not Government apply to the High Court for bail on Mr. Reily's behalf? If there was no harm in applying to me, what was the harm of applying to the Criminal Bench? Why was Mr. Reily told that he must make his own motion to them? Mr. Reily was at Noakhali; surely it was easier for Government to move at Calcutta, than for Mr. Reily to do so? Why they had thought he could not "make his own motion" even at Noakhali?

The explanation is, I submit, that what was done at Noakhali few would know and fewer care; that even if the fact that the Public Prosecutor applied for bail under orders of the Magistrate transpired, Government could always say that the Magistrate had acted of his own initiative—out of kindliness to Mr. Reily it would have been said; whereas what was done before the Criminal Bench at Calcutta would have to be done in face of the strongest Bar in India by the Crown's own Law Officers. It was this last consideration which drove Sir John Woodburn to the reluctant conclusion that "Government could do no more."

And now it is time that I should explain to His Lordship how it has come to pass that Government have had to admit that they had already done so much in a matter in which common decency required them to maintain a neutral attitude.

Mr. Roy wrote me on 20th February, 1901, as follows:—

"To-day, at 3 p.m., Hill applied for bail in regard to Reily. The result of the application was, of course, a foregone conclusion. For days past there has been the greatest excitement in Calcutta over this matter. The Government wanted to move through its own law officers, but they were advised not to take this course, so they got the defence pleader up here, and the application moved through a barrister who held no official position, to make it appear as if they had no hand in the matter. . . . I heard a good yarn just before I went into Court. I was told by one of the Juniors that Hill had heard from Henderson that Pratt had told the latter at the club last night that you had telegraphed to the Chief Justice to arrest Woodburn! (This was, of course, a distorted version, probably set in currency by Sir Francis Maclean himself, of my reply to the Chief Justice's wire, in which among other things I had said: "The case should mean Woodburn's dismissal.") That paragraph in the "Englishman" that Government will not interest itself with regard to this matter, but will allow matters to take its own course, was of course inspired. It was put in after they were advised *that any steps taken by them to support Reily openly would be fatal.*"

(The italics are mine.)

I got this letter on the 23rd February. By the same mail I received from the High Court a copy of Mr. Reily's petition for bail, in which it was stated that the Government Pleader had supported the application for bail in my Court *under instructions from the Local Government.*

After reading the two letters in my private room I went into Court. My order, No. 5, dated 23rd February, in Mr. Reily's case will show what I then did:—

"Read memo. No. 783, dated 21st February, from Registrar High Court. The Government Pleader's attention was called in open Court to the statement in paragraph 9 of the petition to the effect that the Government Pleader, under instruction from the Local Government, supported the application (for bail). The Government Pleader states that he was instructed by the District Magistrate to apply for bail: there is an order, he says, Apply for bail. It was an order of the District Magistrate on sight of the telegram. The telegram was handed over to the Government Pleader with the District Magistrate's order, 'Apply for bail,' endorsed upon it. The Government Pleader afterwards returned the telegram. The Government Pleader says he read the telegram. To the best of his recollection there was an order in the telegram to the District Magistrate to apply for bail.

(Signed) A. PENNELL,
Sessions Judge.
23,2,01."

After writing this order I read it out to Tarak Babu (the Government Pleader) and asked him if it were correct. He said it was. I then asked him to sign it, and said I should be glad if, after he signed it, the rest of the Bar signed in order of seniority. This was done; first the Government Pleader, and then the ten other Pleaders present signed. Babu R. K. Aich, the senior Defence Pleader in the murder case, was not in Court, and so did not sign; but among the signatories are the junior Defence Pleader, Babu Raj. K. Bose; Babu S. K. Som, who is Radha Kant Babu's son-in-law; and Khan Bahadur Bazlur Rahim, who has four times officiated as Government Pleader.

The order having been signed, I returned to my private room, sent for Tarak Babu, and showed him Mr. Roy's letter, in which it was stated that "any steps taken by Government to support Reily openly would be fatal."

I may say that the Government Pleader had *not* in fact supported the application for bail; all he had said was, as stated by me in my order (Enclosure No. 24) passed on that application, "that he had been instructed by the District Magistrate to inform me that the District Magistrate had received a telegram from Government suspending Mr. Reily." The Government Pleader told me then that the reason why he had not supported the application was, as he had told Mr. Cargill at the time, that he did not see how he could support the application when he, himself, was prosecuting, that, therefore, he had simply stated the fact of Mr. Reily's suspension. It will be seen that the Government Pleader saw the impropriety of the Government's action even if his masters did not.

"Quos Deus vult perdere prius dementat," and I may add that Mr. P. L. Roy has since told me in Calcutta that he was actually consulted by Mr. Gupta, the Legal Remembrancer, as to what Government should do to get Mr. Reily released on bail; that he suggested the terms of the telegram to the Magistrate; and that when again consulted on my refusal to grant bail, he advised that Government should move the High Court through Mr. Leith (the Deputy Legal Remembrancer); but this time they were too sharp for him, and would not walk into the trap! It will be seen, however, that owing to his letter putting me on the scent, they escaped at Calcutta only to be caught in Noakhali.

In view of the order on the record of the Reily case, and of the fact that I have a certified copy of it, it was impossible for Government to deny that they had applied for bail. So (as in the case of the letter of the 26th January) they try to put the best face they can upon the matter by admitting it. I would submit that the fact admitted is one of which His Lordship should take very serious notice, quite irrespective of what may happen to me.

Next I would solicit attention to the Chief Justice's telegram. A copy of this telegram and of my reply were published in the "Amrita Bazar Patrika," of March 20th, from which they are here reproduced:—

THE CHIEF JUSTICE'S TELEGRAM.

To			*From*	
Station Noakhali.			Station Calcutta,	
Day.	Hour.	Minute.		Park Street.
17.	10.	12.		Urgent.
To			*From*	
Sessions Judge.			Person	
			Registrar, High Court.	

The Chief Justice wishes to know why bail has been refused in Reily's case, and urges you to carefully reconsider the matter.

MR. PENNELL'S TELEGRAPHIC REPLY.

From	*To*
Noakhali Sessions Judge.	Calcutta Registrar, High Court.
	State Ordinary.

Your wire received four fifteen. My order passed yesterday on Reily's application for bail runs as follows :—*Begins:* This application was handed to me about 6 p.m. yesterday, but I declined to take it then. When I was leaving Court yesterday a disgraceful incident occurred. Mr. Cargill, the District Magistrate, accompanied by his wife, waylaid me, and attempted to procure Mr. Reily's release on bail. The District Magistrate is the nominal prosecutor. Mr. Cargill's procedure during the trial has been so outrageous that I had to send the Government Pleader to him to inform him that if he did not desist I should have to punish him summarily, under section 228, Indian Penal Code. This morning he has sent me a letter, No. 347, dated 16th February, intimating that Mr. Reily has been suspended. He has not, however, intimated that Osman Ali, the Sub-Inspector of the Sadar thana, has been suspended, or that any action has been taken against other police officers concerned. The Government Pleader states that he has been instructed by the District Magistrate to inform me that the District Magistrate has received a telegram from Government suspending Mr. Reily. The reason of the extraordinary solicitude of the Crown on behalf of Mr. Reily does not appear. I have noted in my judgment that the executive authorities have endeavoured to intimidate me with a view to preventing proceedings against Mr. Reily. The fact is that they are all bent on screening their subordinate. I think it unsafe to release Mr. Reily on bail, whether suspended or not, so long as Mr. Cargill remains in charge of the district, or Osman Ali—in whose hands Mr. Reily is a mere tool—in charge of the thana in which I am living and holding court, and in which most of the witnesses against Mr. Reily are also living. There has been too much intimidation by the executive already. One of the sections under which Mr. Reily is charged is non-bailable. It is a matter of judicial discretion whether I should grant bail. In the exercise of that discretion I decline to grant bail until the executive administration of this district is in other hands. *Ends.* I may say that Cargill was vitally interested in hushing up case, as pointed out in judgment, and, besides molesting me himself, gave police free hand throughout the trial; witness of murder being dragged away from Court to Osman Ali's thana, on charge which senior Munsif reports false. Chief Justice may rest assured that I have not refused bail without what seem to me strong grounds. If I were up country I believe that till my judgment got into the papers my life would be in danger. The case should mean Woodburn's dismissal. Believe Reily has been suspended only because I stated verbally on Friday night that I would not give bail until he were. Osman Ali, the favourite of Messrs. Cargill and Reily, to whom the whole case is due, and who is like the Kotwal of Lucknow, is still in charge of Sadar thana, and Government Pleader tells me that nominal charge of District Police is with the very Inspector Bharat Chandra Mozumdar who showed himself in murder case powerless to control him.

(Signed) A. PENNELL, Sessions Judge. 17-2.01.

The telegram was despatched on the Sunday morning (10.12 a.m.). The Magistrate had telegraphed my refusal of bail to the Government on the Saturday afternoon.

Can His Lordship for a moment believe that the Chief Justice would have sent that telegram of his own accord? How was he to know that Mr. Reily was in jail at all, far less that he had applied for bail the previous afternoon and been refused? Can His Lordship have any doubt that telegram was sent by Sir Francis Maclean at the instance of Sir John Woodburn?

I extract the following from a leading article in the "Amrita Bazar Patrika," of 19th March, on "Mr. Pennell and the Chief Justice":—

> Noakhali is far away from Calcutta. So the inference is that a telegraphic communication must have come to some one in Calcutta, who must have informed His Lordship of the fact of the commitment of Mr. Reily and Mr. Pennell's refusal of bail. For, the case was not officially before him, as the High Court had not then been moved by Mr. Reily. Indeed the case could not have been before him, for the Chief Justice was not presiding over the Appellate Criminal Bench. The question now is, who informed his Lordship of Mr. Reily's difficulty? Somebody must have done it; and this somebody must be in a position to venture upon such liberty. For it is a liberty of a very serious nature to make a request of that sort to a Chief Justice like Sir F. Maclean, who is known to be a great defender of the dignity of his office. So a very high official must have requested the Chief Justice to move that stern Judge of Noakhali in favour of Mr. Reily, and that high official must be of equal rank with, or perhaps superior to, His Lordship. That is the natural inference. For, otherwise, the Chief Justice would have declined to act the part he was asked to do, nay, resented the request in the strongest term possible. But his Lordship did not do it; on the other hand, he sent an urgent telegram to Mr. Pennell, asking him to furnish reasons why bail was refused, and urging that he should reconsider his decision, that is to say, grant the bail.

The comments in that article, and in another article of the 11th March—

"THE AMRITA BAZAR PATRIKA."

Calcutta, March 11th, 1901.

HOW TO MAINTAIN EQUILIBRIUM: OR MR. PENNELL AND MR. REILY.

If it is contended that Mr. Pennell has been dealt with severely, there is no doubt of it that Mr. Reily, on the other hand, has been treated with great kindness by his superiors. Mr. Reily was accused of serious crimes, not by an ordinary man but by a Sessions Judge, who, after a judicial trial, with the help of two educated assessors, had come to believe that he had committed not only perjury but forgery also. As a consequence, Mr. Reily was sent to hajut. This misfortune of his elicited warm sympathies of the official world in his favour. No sooner did the District Magistrate and his wife hear of the misfortune that had overtaken him than they ran to the court, and "waylaid" the Judge before he had left it. This was service indeed! If the Magistrate himself had gone for this purpose that would have been an inestimable service to Mr. Reily. But he did more, he took into calculation the chivalry of Mr. Pennell, and took his wife along with him. Who has ever seen in the annals of the world, extending from Nebuchadnezar to Lord Curzon, a Magistrate and his wife running to a Judge to save from hajut a man who had been committed to take his trial on charges of perjury and forgery.

We mention the names of the Magistrate and his wife first, because chronologically they were the first to appear in the field on behalf of Mr. Reily. But if we had arranged the names of the sympathisers of Mr. Reily according to rank, we ought to have begun with the name of the Government Pleader. Kankabathi was a dear girl who had gone to the middle of the river in a boat to drown herself. First came her little sister to implore her to come back. This not proving successful her brother appeared. But Kankabathi refused to come. Then appeared her mother, still the girl persisted in her determination of drowning herself. At last came her father to persuade her to come back home. That is the beginning of the story, which, however, is known to every girl in Bengal.

In the same manner, Mr. Pennell was approached one by one to be persuaded to desist from sending Mr. Reily to hajut. After the Magistrate and his wife, the Government Pleader prayed to Mr. Pennell to release Mr. Reily on bail. Mr. Pennell refused. Do Government Pleaders move Judges for the release of an accused who had been sent to hajut? But, as we said before, the misfortune of Mr. Reily created for him sympathisers When the Government Pleader failed, he, to strengthen his position, added that he was moving at the instance of the Magistrate himself. But even this failed to move Mr. Pennell. Then it was intimated to him that the Magistrate had in this matter been moved by the sympathy of the Government itself.

But still Mr. Pennell would not listen, and then the Chief Justice himself sent him a telegram to move him. His Lordship thus wired to Mr. Pennell, through his registrar on the 7th February last: "The Chief Justice wishes to know why bail has been refused in Reily's case, and urges you to carefully reconsider the matter." Who ever was served in the way Mr. Reily was? Do Chief Justices send telegrams to their subordinates in this manner on behalf of an accused who had been adjudged to be sent to hajut? If this was the first time that such a procedure had been adopted, then it showed only the fervour of the sympathy which Mr. Reily's misfortune had aroused.

Of course our gracious Emperor Edward VII. did not interfere in this matter. But Mr. Reily should bear in mind that His Majesty is too far away from here, and is possibly even not aware of the fact of such a great calamity as has overtaken the Empire, namely, the hajut of Mr. Reily. But if the Emperor failed to take any part, his representative might have supplied the omission. His Excellency the Viceroy has not apparently taken any part in the matter. But his Lordship can make up for this omission by giving Mr. Reily's bust a place in the Memorial Hall with this inscription, namely, "Here is Mr. Reily, who had the good luck of being sent to hajut by Mr. Pennell."

This article would remain incomplete if we were to omit the generous part taken by Mr. Justice Ameer Ali. He issued a rule, though the record was not before him. We hope this liberal procedure would be henceforth followed in the High Court. We thank the Judge for having for the first time introduced it. But the nation is obliged to Mr. Ameer Ali for another generous concession. He permitted a telegram to be sent in his name to Noakhali for the release of Mr. Reily on bail. As this is not usually done, this is an exceedingly good reform.

This is what the "Hindoo Patriot" says:—

"Mr. A. P. Pennell having been suspended from the Judgeship of Noakhali, there will be no obligation on him, as recently directed by the High Court, to show cause why his committal of Mr. Reily, the late Superintendent of Police at Noakhali, for trial for perjury, &c., should not be set aside or be investigated by some Judge other than himself. As when the case is called on, in the High Court, no cause will therefore be shown, there will thus be no alternative for the High Court Bench but to make the rule absolute, and discharge Mr. Reily."

Of course our contemporary is joking, for suppose Mr. Pennell had died, instead of being suspended, what would have happened? Would the proceedings against Mr. Reily

> be quashed? However, the more the law is trampled down under foot, the better it is for the people.
>
> The Government has always sought to keep the balance even, the equilibrium is never disturbed. If it is contended that some harshness has been shown to Mr. Pennell, the Government has made it up by its kindness to Mr. Reily. This is the first time in the annals of the world that a man found his good luck in his commitment to the Sessions. Who would not after this like to be committed to Sessions by Mr. Pennell?

will show His Lordship how the action of Sir Francis Maclean, of the High Court, and of the Bengal Government, is viewed by the native community. That their feelings are shared by the only section of the European community to which free speech is permitted will appear from the article in "Capital" of the 4th April, to which I have already more than once referred. That article concludes as follows:—

> "An impression has been created that the Chief Justice has made an unholy alliance with the Government of Bengal, whereby the support of the High Court will be given to the executive acts of Government in preference to the furtherance of law and justice. That such an impression should have been created is little short of a public calamity; in the face of it Mr. Pennell shrinks into insignificance; and Sir Francis Maclean would be well advised to dispel that impression at the earliest possible moment."

Subsequent events, so far from dispelling, have served only to intensify this impression. I would solicit that unless Sir Francis Maclean is a great deal more successful in "dispelling" it than he has been so far, His Lordship will hold that in this matter he was the catspaw of the executive authorities; that his attempt to procure Mr. Reily's release was instigated by the Government of Bengal.

In view of these outrageous proceedings of that Government directly Mr. Reily's prosecution was instituted—of their first applying for bail themselves, and then beseeching the private mediation of the Chief Justice, in a case in which they were the *prosecutors*—can His Lordship think it *a priori* improbable that they would endeavour to *prevent* the prosecution? In view of the facts and arguments I have adduced, can he doubt that they *did* so endeavour to prevent it? That the letter of the 26th January *was* meant to convey a threat?

What can His Lordship think of Sir John Woodburn's argument that "had they wished to do so, that certainly would not have been the method they would have chosen." I am not concerned with the way in which Sir John Woodburn *intimidates other judicial officers;* the question is how he would be likely to attempt to intimidate me. It is not likely that he would proceed otherwise than gingerly and tentatively with the Judge who had filed his Chief Secretary's letter with the record of the Chupra case; who had proved impervious to his own threats at Noakhali; who had resisted all the arts of the blackmailer at Darjeeling. But for my letter of the 21st May, 1900, I do not believe Sir John Woodburn would have dared to make the attempt at all. As it was, he judged me by himself, and thought that letter—*and* the "Burma papers"—would prevent my bringing matters to a crisis. I take a different view of my own importance. Sir John Woodburn thinks me a very vain person; in my own opinion what is thought of me, what happens to me, is the most insignificant part of this case. "The important thing is not my conduct, but that of Government."

It is Sir John Woodburn, not I, who thinks it material to this case what I thought in May, 1900, of my conduct in October, 1899. As, however, while himself stating that in October, 1900, I repudiated the "unreserved and spontaneous communications" of the preceding May "with similar suddenness and spontaneity," he has attempted to cast doubt upon my statement that I was ill when I wrote them. I annex a copy (Enclosure Z 2) of Major Charles's letter of June 17th, 1900, and would solicit the reference be made to that officer as to the state of my health in the middle of May, 1900, when I consulted him owing to the complete failure of the Civil Medical Officer of Noakhali, a native Assistant Surgeon, to give me any permanent relief. All that Babu Upendra Nath Rai could do for me was to advise me to take leave—no doubt it *was* the best advice—only, it was impossible for me to carry it out. A copy of Dr. Charles's letter, I may point out, was enclosed with that letter of 28th February (Enclosure No. 31), which Sir John Woodburn says that he laid before the "High Court"; but he has thought proper to keep it back, though if my frame of mind on the 21st May, 1900, is relevant, the letter is, I submit, of importance in judging of that frame of mind.

Such public importance as my letter of the 21st May possesses it derives from the fact that it illustrates the effects of the system to which the executive authorities are so wedded, which, as Sir Richard Garth says, the Government of India approve, and, whatever His Lordship's predecessors may have said to the contrary, would be very sorry to see discontinued. What was my mental attitude for a short time is the permanent mental attitude of three fifths of the English and ninety nine hundredths of the native officials discharging judicial functions in British India. (I exclude the Subordinate Judicial Service, to which other conditions apply.) It may be matter for His Lordship's consideration whether the system which produces such results might not be the better for a little disorganizing, for the Law Courts are, in India, the only real check upon executive high-handedness, and I fear that if I had had another Chupra case to try at the time when I wrote that letter, I might have been a great deal more "charitable" to guilty executive officials than the public interest demanded.

If it be held that the letter of the 26th January constituted an attempt to intimidate me, or even that I believed it to be such, then Mr. Amir Ali's comments on "irrelevance"—"ventilating his own grievances"—"delivering a homily to the public upon the wrong doing of high-placed officials"—fall to the ground. That learned Judge and his learned colleague may be of opinion that I am not justified in publicly protesting against such an attempt, and thereby frustrating its object—the screening of Mr. Reily—but I need have little fear that His Lordship will agree with them. On the question of fact whether I was threatened or believed myself to be threatened, those learned Judges, as I have already pointed out, have observed a suggestive silence.

The prosecution of Mr. Reily was the direct consequence of the Noakhali case. I knew well enough, when writing my judgment in that case, that Government meant to burke that prosecution, and that my only chance of stopping them was to draw public attention to the necessity for bringing Mr. Reily to trial, and the revelation which Government had given of their intentions. I knew well enough also that unless I did this in my judgment I would never get the opportunity of doing it at all. I should have been transferred in the same way as I was at Chupra, and a selected Judge, a native by preference, would have been sent to Noakhali to burke the case. I had to convince the public in my judgment (1) that Mr. Reily had lied and forged; (2) that Government meant he should not be punished for doing so. I had to do this because this was the only means I had of bringing Mr. Reily to trial at all. As I pointed out in my judgment, with regard to the native police officers, it was unnecessary and inexpedient that I should enlarge upon their offences, for the law gave me, *if I were not interfered with*, the power of applying the appropriate remedy. I did not anticipate that I should be interfered with in their cases; I did anticipate I should be interfered with in the Reily case. As a matter of fact I was interfered with in both.

The matters connected with the Chupra case were relevant because I had to read Exhibit X 18, because it was intended that I should read it in connection with all that had gone before, and especially in connection with Sir John Woodburn's threats of the 10th December, 1899. Sir John Woodburn has not ventured to deny that he did on that date use the language I have attributed to him, and I suggest that the purport of what he said was that if I did again what I had done in the Chupra case it would be the worse for me. The question in the Noakhali case was the old question (there is nothing in all these matters—in Chupra case, Noakhali case, and the like which is not really old—which was not threshed out in England long years ago). "Whether if at any time in a case depending before the Judges, His Majesty conceived it to concern him either in power or profit, and thereupon required to consult with them, and that they should *stay proceedings* in the meantime, they ought not to stay accordingly?" Coke's answer was that when such a case should come before him, he would do what was fitting for a Judge to do. To me the question presented itself in practical shape. What Coke said he would do I did.

Sir John Woodburn has not denied my version of what passed between us on the 10th December, 1899, and if I were to use his own logic against him (vide paragraph 6 of his letter forwarding my second memorial) it may be presumed that he admits it. But he has devoted nearly two pages of print to an endeavour to explain away my transfer to Noakhali immediately after the Chupra case, and my retention there notwithstanding ill-health consequent on the transfer. (The refusal of leave in 1900 he has not attempted to explain.) It may be advisable, therefore, that I should point out certain facts, most of which are admitted, and the truth of the rest of which can easily be verified.

1. That he does not assert that he had any correspondence with *me* about the arrears of Sessions cases, nor does he say with whom he had that correspondence.

2. That he does not assert that he told the High Court I would be sent to Noakhali; but only that another Additional Judge would be sent to Chupra as soon as possible. As I was alone as District Judge, and the place certainly required two Judges, this is quite possible.

3. That although he persists in asserting that Noakhali is a light Judgeship, he has not attempted to meet my arguments showing that it is a heavy one, and that a Subordinate Judge has now been sent there to assist the District Judge, although the latter is a very senior native officer.

4. That he fails to explain why, if it had been settled long before that I was to go to Noakhali, I was not told this, but was, on the contrary, told on the 7th October that I was to remain at Chupra, and gazetted as Additional Judge there.

5. That the appointment of Additional Judge would only have lasted seven weeks longer, as the sanction for it was for six months only, and I had held it for four months odd in March-July, before and after which I was District Judge.

6. That Mr. Fisher was accordingly gazetted as "temporary" Additional Judge.

7. That he was not informed till the last moment that he was to go to Chupra, although it had been known for months when he would be relieved by Mr. Carstairs.

8. That Mr. Huda was similarly kept in ignorance till the last moment that I was to go to Noakhali, or that he was to leave Noakhali. I could not find his letter when I was writing my judgment, but I found it shortly after. Enclosure Z 3 is a copy of it.

9. That there was no necessity for making any "temporary arrangement" at Chupra pending Mr. Fisher's arrival. That Lieutenant-Governor has himself pointed out that the interval between the two Gazette Notifications consisted entirely of holidays.

10. The Lieutenant-Governor says that my copy of the Judgment was not forwarded from Calcutta till the 28th October, and that the Commissioner did not send on a copy till 1st November. I can say from my own experience in the Secretariat that it would be the easiest thing in the world to secure this; the most obvious way would be for the Chief Secretary to send a private note to the Calcutta office *not* to send on the judgment, so that Government need not know of it *officially*. For the same reason the Commissioner, no doubt, did not send it on officially. When it appeared in the "Amrita Bazar Patrika," the motive for concealment disappeared; so the two copies were at once sent from Calcutta and Patna.

11. It is, I submit, absurd to suppose that Sir John Woodburn, especially after I had defied him at Noakhali, would have refrained from mentioning the

real cause of the transfer when interrogated in Council out of consideration for me. It is his own case that he had no other reason.

12. He does not assert that he told me this or any reason in December, 1899. His case appears to be that he had greater consideration for me then than he had in the May following, when the "promise of amendment" was made.

13. I would point out the inconsistency of the case put forward by the executive authorities. Their case is that I *deserved* punishment on account of the Chupra case, and it appears that they did their utmost to get the High Court to punish me, or rather to take such action as would justify them in the eyes of the public in inflicting some severer form of punishment; at the same time, they refrain from taking such punitive measures as did not require the High Court's concurrence, and though it was to their interest that the public should consider me incompetent, were at pains to conceal from the public the fact of my incompetence.

14. The allegations in my judgment as to the eagerness of the executive authorities to get a copy of my judgment have not been traversed, nor is it denied that the Bengal Government consulted Mr. Handley, the Legal Remembrancer, whether the Government witnesses should obey my summons. Government took a great interest in the case before it was decided; they profess to have taken none in the decision.

15. I would specially solicit His Lordship's attention to Sir John Woodburn's statement that "Obviously, no notice whatever could have been taken of the judgment until a copy was before the Government." I submit that this argument is an insult to His Lordship's intelligence, and that Sir John Woodburn by the fact of putting it forward shows himself unworthy of credit.

16. The reason now assigned for my transfer is that it was due to my incompetence as a Judge. How comes it then that I was subsequently (with effect from 2nd April, 1900) promoted from the (old) 2nd to the (old) 1st grade of District Judges—a promotion which raised my pay from Rs. 2,000 to Rs. 2,500 a month—from, say, £1,700 to £2,100 a year? Was this also due to consideration for me? Did Government think I could not live on £1,700 a year? As I said in my judgment I do not believe they paid me £2,000 a year because they liked me. They now propose that I shall get just nothing at all.

The reason which I suppose Government will give for promoting an incompetent Judge like myself is their consideration for me. The reason which I suggest is that I had an appeal to His Lordship—that transfer and the refusal of leave are not, while the stoppage of promotion is, considered a fit ground of appeal. The executive authorities, I submit, made up their minds after the Chupra case to do their very worst to me, subject only to the limitation of doing nothing against which I had a right of appeal. They had tried to dismiss me and had failed; their game now was to force me to resign. The only reason why I did not resign was, as pointed out in my judgment, that I could not afford to. Small wonder, I submit, that the learned Judges of the High Court profess a holy horror at my "ventilating my grievances"! Their abhorrence is perfectly natural for all men were crying shame on them for "supervising" the action of Government.

So much for the reason put forward by Sir John Woodburn, and endorsed by Lord Curzon, for sending me to Noakhali. I now come to the reasons given by Sir John Woodburn for *keeping* me there—for he himself has felt that this part of his conduct also requires some explanation—that he cannot admit I was kept there *as a punishment*. And this is the best Sir John Woodburn can say:—

> "It is necessary to make clear that Mr. Pennell has no grievance whatever to excuse even irritation on his part. He was given privilege leave from Mymensigh (of the climate of which place he complained), when he had earned it after return from furlough, and he was posted to Chupra partly out of consideration for his health, because he desired a dry district. He was again told by the Chief Secretary in January last that he might have

> leave in the present year. As to his transfer to Noakhali; the reason of it was explained to him months ago; and as to his being kept there for some time he had no ground of complaint. He was liable to serve in that district as any other officer, Judicial or Executive, of the Civil Service, and as he was told in the Private Secretary's letter of the 12th June last, the district is not in any sense an undesirable one. Other officers have served there for many years.
>
> Any grievance which Mr. Pennell may believe that he has against the Local Government is thus entirely the offspring of a mind diseased by suspicion; but the Lieutenant Governor is constrained to the conclusion that he has been animated by even a worse feeling. It is impossible to read the slanders and insinuations of his judgment without the conviction that they have been inspired by malice."

Sir John Woodburn is not very consistent: for "off-spring of a mind diseased by suspicion" implies *belief* in the slanders and insinuations; "malice" denies any such belief. But let that pass.

As I have already stated in my judgment, I applied at Mymensingh for leave on medical certificate. The "statement" of my case by Dr. Ashe is Exhibit X 34 of my judgment; I now annex a copy (Enclosure Z 3a) of Dr. Ashe's formal certificate, recommending me for leave for three months. I consented to withdraw my application for this long leave, and to take short (privilege) leave instead, only because I was promised Chupra. My letter of 5th September, 1898 (Exhibit X 38) was written at Mr. Bolton's instance. I was posted to Chupra not out of consideration for me, but out of consideration for Mr. Place, the permanent Judge there, who wanted privilege leave. If I had gone on leave on medical certificate there was no one who could be sent in his place; and Government could not decently have given him privilege leave, and refused me leave on medical certificate.

It is true that I had complained, many times, of the climate of Mymensingh. Mymensingh is not in other respects a bad station—(for one thing it is a large station, and there is no absence of society), but it is almost the worst District in Bengal for the disease—an aggravated form of dyspepsia—from which I suffer. (This, I may say, is a perfectly well-known fact—Hunter's Gazetteer I believe mentions it—the Civil Surgeon of Mymensingh told me that more than half the cases throughout the district were different forms of dyspepsia.) I even asked Mr. Bolton, but without success, to send me to a fever district as, though I am very subject to dyspepsia, I hardly ever get fever, while with most men it is the other way, and hence the fever districts, Jessore, Burdwan, and the like, are very unpopular.

Dr. Ashe's statement of my case, Exhibit X 34, will show what my life at Mymensingh, after the cold weather ended, was like. I could not, of course, do much work—but with many of the high placed officials in India to get the public work done is a matter altogether subordinate to the gratification of personal spite. The reason why, notwithstanding my complaints of the climate of Mymensingh, and my known ill health, I was kept on there till forced to apply for leave on medical certificate is to be found in the fact that I had been unfortunate enough to incur the ill-will of Mr. Bolton, the Chief Secretary.

In November, 1897, I, with other officers in similar positions, was consulted, demi-officially, by the Bengal Government—with reference to a Criminal Procedure Bill introduced by the Government of India. The Bill was of a most reactionary type, and aroused such strong opposition from all sections of the community that the Government of India were obliged to essentially modify or entirely withdraw all its most important features, but the success of the opposition did not render the executive authorities any less sore upon the subject.

My opinion (Enclosure Z 4) was one of the first to be received. Everything to which I objected, with one exception, had to be withdrawn or modified, and my objections were shared by bodies like the Bengal Chamber of Commerce, the High Court, and the Calcutta Bar. My note, however, was returned to me by Mr. Bolton with a confidential autograph letter (Enclosure Z 5):—

> "Your note," he says, "has been found on perusal to be so very objectionable in several places that it cannot be accepted and placed among the papers on the Bill.'

> "The Lieutenant-Governor, I am to say, is surprised that you should have permitted yourself to write as you have done. The remarks to which attention has been drawn indicate, he considers, an extraordinary lack of the sense of responsibility in an officer of your standing, occupying the position of a District Judge. Your note, if placed on record, might give rise to very serious unpleasantness, and to consequences unfavourable to yourself. It will, accordingly, be destroyed, and I am to desire that you will, without delay, destroy the draft, which should not remain on your file."

The draft did not remain on my file—as a matter of fact, I had never sent it into Office, having kept it to show to the Additional Judge and the Joint Magistrate. But I did not destroy it; on the contrary I lent it to Mr. P. L. Roy, and it was found useful both by that gentleman, who drafted the opinion of the Calcutta Bar, and by Mr. Justice Banerjee, who, with Mr. Justice Trevelyan, drafted the opinion of the Calcutta High Court.

This, however, was not the head and front of my offending. I felt considerable indignation at being written to in this way, and went to see Mr. Bolton about it. I told him I had written in perfect good faith; that I had been asked for my opinion, and had given it. He said that the acting Lieutenant-Governor had disapproved of it. I told him I did not mind what Mr. Stevens thought. Mr. Bolton then said that I would, at all events, mind what he (Mr. Bolton) thought, and that he himself disapproved of my note. This irritating assumption of superiority by a man of the most mediocre ability, of whom I was nominally, at all events, independent, and who was speaking on a subject on which his means of knowledge were far inferior to my own, was too much for me; and I told Mr. Bolton that if I could not have his good opinion I would even make shift to do without it. From that day forth I was removed from the list of officers consulted by Government, and Mr. Bolton has lost no opportunity of doing me a bad turn.

It will be seen from what I have said, that the grant of privilege leave, and the posting to Chupra "because he desired a dry district" were not, as Sir John Woodburn would make out, voluntary concessions based on mere love and affection, but were supported by a very material consideration—the withdrawal of my application for leave on medical certificate. This, however, is a side issue: if Sir John Woodburn likes, he may say that I was specially favoured before the Chupra case; the real question is not how his Government treated me before that case, but how they treated me after it.

Sir John Woodburn says that as to my being kept at Noakhali for some time I had no ground of complaint; and gives two reasons:—

1. That I was liable to serve there, and that other officers have served there;

2. That the district is not in any sense an undesirable one.

The first reason rather impairs the effect of the second; if the district is a good one there would be no need for it. I do not suppose that Sir John Woodburn means that all places to which he can send his officers are good ones. No doubt *some one* has to be kept at Noakhali; the question is why *I* should be that one—why the officer selected should be one who was certain to suffer in health, and why he should be kept there (and refused leave) when he *is* so suffering. Sir John Woodburn says I was sent to Chupra out of consideration for my health, because I desired a dry district. He has omitted to mention that Noakhali is the dampest district in Bengal.

Sir John Woodburn says that Noakhali is not in any sense an undesirable district. I say that he knows perfectly well that this statement is untrue; that so far from being a desirable district, it is usually accounted the worst district in Bengal. To Sir John Woodburn's unsupported and interested assertion that it is a desirable district, I oppose the following arguments and admitted facts:—

1. Noakhali is completely isolated from the world. It is 26 miles off the railway; and to reach the railway station it is necessary to make arrangements days beforehand, for there is no regular mode of conveyance.

2. There is no Society. At times there has been only one European official in the place. It is a backwater; the way there leads nowhere else. There is an absence even of native society—the landlords are absentees; no one who can avoid the place will live there.

3. The district is in the Sunderbunds, and is the dampest in Bengal, In 1899 the rainfall was 140 inches. Even apart from the rainfall the place is always damp, being at the foot of the Delta of one of the largest rivers in the world. Every house has its tank, for the water is within two feet of the surface everywhere, and the surface being quite flat, it is impossible to raise a plinth without digging a hole. "In the rains," as I have had occasion to state in my judgment, "practically the whole of this District, except such portions as have been artifically raised, is under water."

4. On account of its dampness it is very unhealthy, at all events for one whose health requires a dry climate.

5. Sir John Woodburn knew I needed a dry climate; his case is that I was posted to Chupra (which *is* a dry place) on that account.

6. He has made no attempt to explain his Secretary's letter of 3rd September, 1900 (not 3rd *December*, as misprinted, Exhibit X 27) in which I am promised a transfer to "a healthy District." If Noakhali is a healthy District, what is the meaning of this? If it is not a healthy District, how can Sir John Woodburn say that it is not in any sense an undesirable one?

7. Some years ago the "Indian Mirror" published a rumour that Sir Charles Elliott was intending to transfer a Sessions Judge, on account of his independence, to "Noakhali or some such unhealthy District." The Bengal Government threatened to prosecute the editor in consequence. (The facts are given in an interview with Mr. Mano Mohan Ghose, printed in the appendix to the memorial on the separation of Judicial and Executive duties in India, submitted to His Lordship two years ago.) What would be the point of this rumour if Noakhali were a good station?

8. If Noakhali were a good District, it might be presumed that good officers would be sent there. The Government case, however, is that I am not merely incompetent, but malicious. Mr. Reily is generally reputed the most incapable officer in the Police Department (though, as I have said, Mr. Bignell thinks there are three other Police Superintendents equally bad), while Mr. Cargill is the Elwes of the Civil Service, an officer whose sordid meanness makes his employment in any less out of the way District impossible. No native goes near him but carries up the man his present; a leading Mahomedan writes me that he has himself given evidence before the Police Commission now (or lately) sitting at Noakhali as to Mr. Cargill's sale of these presents. Mrs. Reily has herself complained to me, with tears in her eyes, of the way in which he sponged upon her husband; while one of the few guests he found it impossible to avoid entertaining, Mr. Rouse, of the Assam Bengal Railway, declined his further hospitality after Mr. Cargill had asked him, over night, whether he should put out one lump of sugar or two for his early morning tea! I am constrained to say this much of Mr. Cargill, as in Major Strachey's letter of the 12th June, 1900, the fact that he asks to remain at Noakhali is adduced as a proof of its desirability. The reasons why Mr. Cargill likes Noakhali are well-known to Sir John Woodburn; they are two; the first, that he can live upon the natives there, which would not be possible in a District less out of the way; the second that a Collector is expected to entertain Inspecting Officers and that all Inspecting Officers give Noakhali a very wide berth, and would do so even apart from the fact of his being Collector there.

9. If Noakhali were a desirable District, why was my request for a transfer refused? Why should I be kept in a place which I do not like, and which does not suit my health when other officers are anxious to go there?

10. If it be a desirable District—a sanitarium like, let us say, Ahmednagar—why should the press, both native and European, continue for months without any contradiction to denounce Sir John Woodburn for sending and

keeping me there? Why should Mr. Banerjee ask questions on the subject in the Bengal Council, and Lord Stanley of Alderley, in the House of Lords? How is it that its desirability was not pointed out in either of those assemblies by official apologists?

I submit that Sir John Woodburn has felt himself obliged to make this statement about Noakhali being a desirable District for the sake of consistency, because he feels that if he admits that the statement, to the same effect in his Private Secretary's letter of the 12th June is untrue, the admission will cast doubt upon the statement immediately preceding as to the reason of my appointment to Noakhali. That the statement that Noakhali is a desirable District is a lie is known to every one in the Province of which Sir John Woodburn is Lieutenant-Governor. Can His Lordship—whatever he may do to me—retain the man who has made it in charge of that Province?

Lord Curzon thinks it better not to discuss these matters. He dismisses them with the remark that "if the value of his charges against the Local Government and against other persons may be estimated from the character of the accusations which, in the course of the judgment, he thought fit to level against the Government of India in connection with the notorious Chupra case, we may inform Your Lordship, without any demur, that the latter were destitute of any truth from beginning to end."

Now, my charges against Lord Curzon in connection with the Chupra case are, briefly, that he burked it; that he connived at the nominal punishment of some of the guilty officials, and the complete escape of others; that the Resolution in which he professed to condemn their conduct, or so much of it as he could not whitewash, was a mere attempt to throw dust in the eyes of the British public.

Lord Curzon, no doubt, denies these charges—it was not to be expected he would admit them, but does he deny any of the facts on which the charges are based?

In an article of March 7th, 1901, on "The infamous Chupra case" "Capital," says:—

> "Our readers will recollect this scandalous case in which a district magistrate and superintendent of police conspired together to imprison an innocent man. We were told at the time that those officials had been punished, but this is what we read in a recent judgment of Mr. Pennell."

"Capital" then quotes from my judgment the passage printed at pages 154 and 155, of the Paper-book [Appendix, page 255], beginning: "Mr. Corbett" and ending "to remove his practice elsewhere" (omitting the references to myself and Sir John Woodburn) and adds: "If these statements are true, they are a grave public scandal."

Does Lord Curzon venture to say that these statements—that any one of them—is not true? They are contained in official gazettes. Does he profess that he was ignorant of the way in which the guilty officials had been treated? Has he done anything to alter that treatment since my judgment?

The only things which have happened since that judgment to the people concerned in the Chupra case are that Mr. Bourdillon has received further promotion; that Mr. Twidell has been placed in charge of the important and popular District of Rajshahi; and that Babu Jagannath Sahai, the pleader who defended Narsingh Singh, and who was hounded out of Chupra in consequence, has been entangled by the Police in a false case, convicted by a Joint Magistrate (the Assistant Superintendent of Police, he tells me, sitting on the Bench with the Magistrate, just as Messrs. Bradley and Corbett did with Moulvie Zakir Husain) and only acquitted on motion to the High Court. Nor, apparently, did the action of Mr. L. C. Adami, the convicting Joint Magistrate, incur the reprobation of the authorities, for Sir John Woodburn promptly appointed that officer to be his Private Secretary.

In view of these facts is His Lordship disposed to accept Lord Curzon's assertion of his own bona fides "in connection with the notorious Chupra case?"

These are the only matters alleged to be irrelevant with which I am specifically charged. The Lieutenant-Governor says, "there would be no difficulty in extracting from Mr. Pennell's judgment of 15th February the objectionable passages, in which he has introduced irrelevant matters entirely unconnected with the case, and has deliberately (for, on the 4th February, 1901; he recorded that it was necessary he should avoid any hasty expressions) traduced the highest authorities in the country, and not hesitated to charge some of them with falsehood."

The Lieutenant-Governor does not specify any other objectionable passages. Till he does so, and points out how they are objectionable, I cannot be expected to defend them. I am not going to excuse myself before I am accused. Sir John Woodburn might as well abstain from framing any charges at all, and content himself with the remark that there would be no difficulty in framing them. If it is so easy, why has he not extracted the objectionable passages? Those which he has specified, I have sufficiently defended; if the charges be true and relevant, it is, I submit, no crime for a Judge to charge the highest authorities even in India with falsehood. As I myself remarked, "In the course of this judgment I have had to deal with, and expose many, persons in high places; I have yet to learn, however, that an English Judge need apologise for such a course, if justice requires it."

I quite admit that I acted deliberately; I never acted more deliberately in my life. The reason for my introducing these exposures was that I believed that justice—and not abstract justice, but justice in that particular case—*did* require them; that Sir John Woodburn's letter of the 26th January was an attempt to deter me from prosecuting Mr. Reily for the perjury and forgery he had committed in that case; that it showed that Sir John Woodburn was bent on screening Mr. Reily; and that unless I effectively exposed the attempt he would succeed. If Sir John Woodburn had not sent me that letter there would have been no excuse for the exposures. Sir John Woodburn himself will be hard put to it to deny that the despatch of that letter at that particular moment was, to say the least, a singularly unfortunate coincidence—a coincidence even more unfortunate than my transfer to Noakhali immediately after the Chupra case.

Before passing on to the questions of fact directly involved in the Noakhali case, and the findings thereon of the various tribunals which have had to deal with those questions, I think it as well to submit some observations with regard to the alleged intemperance of my language, with reference both to the Chupra and Noakhali cases, but more especially the latter. True, it may be said, that facts are as you say; but even so, why use such strong language about them? Language, as His Lordship's Under Secretary observed in the House of Lords, not usually expected from an officer in your position? And so even the "Westminster Gazette" characterised the language of my judgment in the Chupra case as "needlessly picturesque."

To this I would rejoin that the conditions under which an officer in my position works in India are widely different from those prevailing in England; that the calmness and sobriety so commended of the Executive would, in India, be fatal—that I have to be sensational in order to be effective. If His Lordship will do me the honour to read my judgment—and it is an honour which has been done me by a good many hundreds of thousands of my fellow-subjects in India—he will see that (rightly or wrongly is nothing to the point) I entertain the belief that in any case where the so-called "prestige" of the Executive is concerned His Lordship's subordinate Governments and the majority of their officers will be found banded together in a conspiracy to suppress the truth—a conspiracy to which the Dreyfus case affords the only European parallel I can recall; and that the Judges of the High Court, as at present constituted, are more likely in such a case to consult their own private ends than the interest of justice. There remains only the people, and to arouse their interest I must write a judgment which they will read. To me it is as nothing, "what the superior social section thinks," for I know I shall have *them* against me whatever I write; they are the very people interested in perpetuating the abuses I denounce, in withholding the justice I am seeking to bestow. I have in my mind when I write, not the classes but the masses—not Society with the big S, but the man in the street. If I were practising at the English Bar, I should not address an Old Bailey Jury in the style which would be most appropriate—because most effective—before a Judge sitting alone in the Chancery Division. I should think, not of the judge, but of the jury. In India there is the further consideration that in a case involving executive prestige the Judge—"constituted authority"—is always, or almost always, found ranged on the side of wrong. Those whom I must try to impress are the jury—the people, and not solely, or even chiefly, the upper class. To do any good at all I must get myself read—to get myself read I must speak in a tongue understanded of the people. I cannot afford to call a spade "an agricultural implement."

Briefly, my point is this: that in the particular class of cases, of which the Chupra and Noakhali cases are instances, justice in India must be sensational in order to be effective. It is very unfortunate that it should be so, no doubt—but I submit that I have to take the world as it is, not as it should be; and that if my "strong language" pains His Lordship, what he should do is not to get rid of me, but so to alter the conditions, as to render it practically possible for me to do common justice in the case which has come to me in a less sensational way.

His Lordship need not think this *a priori* reasoning; it is based on my own experience, and on what I have seen to happen in the case of others similarly circumstanced. If a Judge writes his judgment in a case in which the Executive are to blame less incisively than I do, His Lordship hears nothing of it. His Lordship need not conclude from this that the abuses pointed out by the Judge are rectified. The judgment is pigeonholed—the only person who suffers for the abuses exposed is the Judge—the facts he has brought to light are hushed up. Little enough notice, as it was, was taken of the illegalities and crimes perpetrated in connection with the Chupra case; but can His Lordship believe that if the authorities could have helped it, they would have taken any action at all? Or that it was the facts, and not my presentation of the facts, which forced that action upon them?

My method may be open to criticism, but it has one saving merit—it is effective. It was said of Cicero that if his speeches had been like his poetry the swords of Anthony need have had no terrors for him. I submit that the reason why I have incurred the displeasure of His Lordship's subordinate Governments is not that I have written badly, but that I have written too well; that their rage is the measure of my success.

I think that I should also briefly notice the unworthy insinuations of the learned Judges, seeking thereby to divert public attention from their own neglect of duty in refusing to face the facts; that my exposures of the Executive authorities in the Noakhali case were prompted by indirect motives—that I had made my judgment "the vehicle for giving vent to individual grievances and personal animosity, and that I wanted to pose as the champion of public liberty." These remarks are so well answered in an article in the "Bengalee" of April 24 (Enclosure* Z 6—the article is on page 4—it is No. III. of the Articles on the Noakhali Murder Case) that all I need say here is that the grievances which I ventilated were my grievances as a Judge; and that if I commented on Executive oppressions, it was because those oppressions were directly due to the conscientious discharge of my judicial duties, and for not performing them in the way the Executive would like. The whole point of the Noakhali case was my refusal to submit my judicial discretion to the will of the Executive Government. My personal grievances become of public interest when it is found that they are the result of that refusal, for it is no man's interest that the Judge who may have to try him should be exposed to the influences brought to bear upon me. Judges—even when drawn from the ranks of the Indian Civil Service—are not angels, but men very much like other men; and it is to the popular recognition of that fact that the interest taken in my case is due. In taking the course which I took I was certainly not doing the best (or what is usually accounted the best) for myself; but I was doing the best for the public, for my country, and if they will but believe it, for the members of that service my connection with which I am said to be so anxious to sever. As a member of that service (and an Executive officer at that) remarked to me on the voyage home, "They will think twice before they treat another man as they have treated you."

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* Not prnted.

I now come to those findings of the Criminal Bench on which their remaining criticisms are based. But before directly discussing these findings, I wish to invite His Lordship's attention to the position of the finders—of the two learned Judges who formed the Bench. When criticism is avowedly put forward as authoritative, it may not be irrelevant to question the authority of the critics.

There are certain expressions in my judgment which might be considered to cast reflections upon the High Court as a body. In one place I had observed that "what I think the public feel with regard to some of our present High Court Judges is that they are rather too ready to help the Government." (Mr. Justice Pratt calls this "heaping vituperation upon High Court Judges.") "Capital," in its issue of March 14th, "fears there is much truth" in it. I had also ventured to question the propriety of a High Court Judge's assisting in the promotion of "a Company made to sell."

Officials in India are notoriously thin-skinned, and the amour propre of the High Court may have been offended by these remarks; that Mr. Pratt at least took them to heart is apparent. But there are also other and far more cogent reasons affecting not the High Court generally but these two particular Judges.

First and foremost is the fact that they were the nominees of Sir Francis Maclean. The Chief Justice is not himself the Criminal Bench, but he appoints the Criminal Bench; it is he who selects the Judges who are to try a particular case. Now, I do not think His Lordship can entertain any doubt that Sir Francis Maclean's attitude throughout these proceedings has been the reverse of judicial; and under these circumstances the fact that Mr. Amir Ali and Mr. Pratt were Sir Francis Maclean's nominees, and that they were posted to the Criminal Bench as soon as this case was known to be on, would alone justify me in asking His Lordship to regard them with considerable suspicion.

Apart from this those learned Judges have reasons of their own for viewing me with disapproval. I have animadverted in my judgment to the "guinea-pigging propensities of certain high officials." I understand that some months back there was considerable discussion in Parliament as to the propriety of His Lordship's Under Secretary retaining even a nominal connection with the Stock Exchange. His Lordship can have little conception of the extent to which Stock Exchange influences are beginning to permeate official life in India. Before long it will be rare to find a high Anglo-Indian official who is neither a guinea-pig in esse nor a guinea-pig in posse. I commented in my judgment on the fact that Mr. Justice Tottenham was a Director of a wine and whisky business, which has since failed; and Mr. Justice Rampini's connection with a company-promoting syndicate, or rather an allusion of mine to that connection, was the very means by which Sir John Woodburn endeavoured to stay my hand towards Mr. Reily. It was, therefore, singularly unfortunate that the two Judges selected to try the appeal are both by no means free from connection with company flotation. Some time back the name of the Hon. Mr. Amir Ali, Judge of the High Court, Trustee for the Debenture-holders, was widely advertised by Messrs. Shaw, Wallace, & Company, of Calcutta, as an inducement to the public to subscribe to the shares and debentures of the Serampore Cotton Mills, Limited, and about the same time the Hon. Mr. Justice Pratt's attendance at the opening (*not* at Calcutta) of the Ranaghat-Krishnagar Light Railway, a concern promoted by Messrs. Martin & Co., with which the learned Judges can certainly have no local connection, was given equal publicity. I have been a long time out in India, so I cannot tell whether Her Majesty's

Judges in London go in for this sort of thing; but there are some people old-fashioned enough to disapprove of it. It is, no doubt, merely a fortuitous coincidence that I have been virulently attacked by the Saturday Review, with which I understand Lord Hardwicke is connected; but I may be excused for the suggestion that the Honourable Justice Amir Ali, and the Honourable Justice Pratt might have some fellow feeling for the Honourable Justice Rampini.

I would further solicit attention to the fact that the opinion entertained by the High Court of my work generally seems to have undergone a remarkable change since I took up the Noakhali case. I have already pointed out that up to that time there had only been one case, in the 13 or 14 months that I had been at Noakhali, in which they had even *modified* a decision of mine. I think I am correct in saying that since the 26th January there has not been a single appeal against my orders heard by the High Court (*i.e.*, by these two Judges) in which those orders have *not* been *reversed;* certainly nine or ten orders have been so reversed. It would almost seem that before I decided to prosecute Mr. Reily I could do no wrong in the eyes of the High Court; but that after I so decided no decision of mine, whether passed before or after the Noakhali case, could possibly be right. There are two explanations possible: either the quality of my work has suddenly changed, or the High Court's estimate of it has suddenly changed. I would submit that the latter is the more probable. I may add that in one of these cases—a sensational trial for adultery, which had attracted much public interest—the reversal of my decision by Messrs. Amir Ali and Pratt created widespread dissatisfaction, and that the Amrita Bazar Patrika, the most influential of the native papers, thought it sufficient comment upon the matter to publish my judgment and that of the High Court side by side.

Further, I would point out the very difficult position in which the High Court, and especially the Criminal Bench, were placed by my suspension. They had recommended my suspension, but were not prepared to go on with it. Sir John Woodburn might very well say that it was they who had got him into the impasse in which he found himself, and that it was their business to get him out of it. A majority of the High Court having declined to proceed further in the matter of the alleged "contempt," there was no way left in which the Criminal Bench—the specially selected Judges—could get him out of it, except by taking some action in the main case, and thereby obviating the necessity of re-instating me, which, as Sir John Woodburn himself admits, would have been the "logical consequence of the removal of the suspension." There was, of course, no logical connection between the judgment and the "contempt"; but it was the case of making the best of a bad business. That Sir John Woodburn had arrived at some understanding upon the subject with Sir Francis Maclean appears from his own argument (in paragraph 10 of his letter) that at the time when I appealed to the Government of India "the Lieutenant-Governor was precluded from offering any further observations, as the Appeal Case was then in the hands of the High Court, from whom His Honour *expected to hear further in due course.* It is Sir John Woodburn, not I, who says the whole thing was prearranged; that he knew or had reason to expect what the High Court would do in a case which they had not yet heard.

But although the Honourable Mr. Amir Ali and the Honourable Mr. Pratt were, no doubt, ready enough to oblige Sir Francis Maclean and Sir John Woodburn, they were not ready to carry that complaisance so far as to injure their own interests. Number one, as the Bengalis say, is a very good number. And so those two learned Judges would not take up the case till they saw what reception His Lordship gave to my memorial of the 21st March, in which among other things the sycophancy of the High Court in general, and the illegalities of Sir Francis Maclean in particular, are set forth.

They had to pretend that they were very anxious to take up the case at once, for otherwise they would have had no excuse for their action in sending for the record. So, first, the printing was delayed, and then, that there-might be some record as to the cause of delay, the pleader for the accused was put forward to apply for an adjournment of the case over the Easter holidays. It was then sought to make it appear that the delay was not due to the High Court.

Sir John Woodburn, in paragraph 12 of his letter, insinuates that it was the pleader's fault the case was not taken up—at all events that the High Court would have taken it up in March, but for the pleader's application. When copies, he says, "*were delivered* to his pleader for the appellant, Sadak Ali, the Easter holidays were then about to commence, and on the application of the pleader, the Appeal case was postponed, and was taken up on the 10th April, when the Court re-opened after the holidays."

Here His Lordship finds a distinct allegation that when the pleader made his application, he already had the copies. The very reverse was the fact. The High Court took care he should not have the copies till the case had been postponed. The case was not even in the Ready List of the High Court.

The reason why Babu Surendra N. Guha went out of his way to make the application for postponement was, as Babu S. N. Guha has himself stated, that the Deputy-Registrar of the High Court sent for him, and told him the Judges wished him to make the application. They had fully made up their minds not to hear the case; if he had refused to apply for adjournment they would have said the paper book was not ready; but there was the subsidiary object to be attained of making it appear that the delay was not due to themselves. The copies were, no doubt, made over to the pleader on the 27th March, but they were made over after, and not before, he applied for and obtained an adjournment over the Easter holidays.

I may add that the accused's pleader did not require these printed copies; for manuscript copies had been made over to the accused *from my* Court, on the 28th February. The record was printed not for the convenience of the pleader, but for the convenience of the Court. If the Court had been really anxious to take up the case, they need not have had it printed; they could have taken it up on the 10th March instead of on the 10th April.

Among the voluminous papers which they have forwarded, the Government of India have not thought it fit to include a copy of the order passed on the pleader's application by the learned Judges. It was reproduced in the Amrita Bazar Patrika of the 29th March, a copy of which is Enclosure Z 7* (the order will be found on page 5). I would call special attention to the following passage:—

> "The Sessions statement was placed before us on the 4th March. We then discovered that no reference was received before that date, as under the law the Sessions Judge was bound to do it (*sic*) and we made enquiries as to what had become of it. We then learned from the Registrar that the record had been brought down to Calcutta by the Sessions Judge."

So the learned Judges would make out that it was quite an accidental coincidence that the Sessions Statement "turned up again" just—"at that moment"—according to Sir John Woodburn.

They had seen my letter of 28th of February, informing Government that I was bringing the records to Calcutta, in order to make them over, yet they have to "enquire about it." They finally learn that it has been brought down, not from Government, but from "the Registrar." There is here a designed confusion between Mr. Chapman and Mr. Sheepshanks:—from the High Court's letter to Government of the 4th March, it is plain that Mr. Chapman is meant. Mr. Sheepshanks is there distinguished as the officiating Registrar. Mr. Sheepshanks, of course knew nothing about the custody of the record; Mr. Chapman knew because I had shown it to him when he came to get it for the Chief Justice. The letter of the 4th March, being written in a hurry, had not been worded with sufficient caution.

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* Not printed.

"We were considering the advisability to institute proceedings for contempt for disobedience to our order, but it became unnecessary in view of the administrative order passed directing Mr. Pennell's suspension. On the 6th March the records were made over to the Registrar of the Court without any apology or explanation by that Officer."

This is again an attempt to cover up the real facts. The learned Judges are putting the cart before the horse. The proceedings for contempt became unnecessary (or as I should prefer to term it impossible), when I made over the records. The administrative order was passed at the instance of the High Court. As for apology or explanation, I had never been asked for any—the learned Judges are willing to talk at me, but not to talk to me.

"We gave immediate order for printing of the documents and the judgment in the case, but unfortunately owing to the great delay in receiving the records, we find that the paper book is not quite ready even yet, and we shall not therefore be able to take up the case before the holidays."

There had been ample time to print the paper book in the 21 days which had elapsed since I made over the record. The learned Judges may have immediately *ordered* the printing of the documents which implicated the Government, but if so they themselves prevented the immediate execution of their order, for in the first place they sent only the A file into office, and kept the Exhibit file (which contains the documents) in their own keeping.

Finally it appears that the paper book was not ready "even yet." The learned Judges can have taken but little trouble to have their orders carried out.

"We are extremely loth that in a case in which the accused has been sentenced to death to keep him in suspense in jail. But the delay which has taken place in this particular case has been owing to, we regret to say, circumstances to which we have referred."

In view of the facts which I have stated—when it is borne in mind that the learned Judges were themselves delaying the case in order that they might the better—

"Cypher the chances up and then jump off
Which side best paid expenses."

Can His Lordship conceive more sickening hypocrisy than this?

Can he retain upon the Bench either Sir Francis Maclean or those pliant tools of his? Is it my conduct on the Bench, or theirs, which has set the most pernicious example? Is it my continuance in the Service, or theirs, which would amount to a Public Scandal?

Not only was the application in the Noakhali murder case made at the instance of this Court, but so also was the application made immediately before in Mr. Reily's case, to postpone the hearing of the rule (obtained by Mr. Reily for a transfer of the case) for a substantive application to quash the proceedings.

The High Court, that is, actually suggested to Mr. Reily's Pleader, that Mr. Reily should apply to quash the proceedings, so as to avoid being tried at all!!

What, I would ask His Lordship, are the people of the country likely to think of such proceedings? What they did think, and what some, at least, of them have openly expressed, will be seen from the two leading articles in the "Bengalee" of April 1st (Enclosure Z 8)* in which Mr. Amir Ali is satirically complimented on his courtesy and considerate kindness to the Vakil Bar in anticipating their wishes! Nor was the indignation confined to the native community.

The "Bengal Times," a paper specially cited in Mr. Cotton's "New India," as exemplifying the anti-native bias of the English press, attacked the conduct of the High Court in two leading Articles (both reproduced in the "Amrita Bazar Patrika," of April 12th (Enclosure Z 9,* page 8) and observed that any one attempting to justify Sir Francis Maclean's conduct, or Messrs. Amir Ali and Pratt's conduct later, must possess an elastic conscience.

Lastly, I would allude to the fact known to all the Calcutta Bar, and noticed in the Press, that when I attended the hearing of the appeal on the

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* Not printed.

11th and 12th of April, neither of the learned Judges was able to look me in the face. Mr. Justice Amir Ali several times attempted to be satirical, but no sooner did I fix my eyes upon him than the smile died out on his lips, his glance fell, and the power of speech appeared to desert him. Mr. Justice Pratt never, so far as I could see, raised his eyes from the table in front of him throughout the trial. The delivery of judgment was delayed till I had left Calcutta. It was not pronounced till the 17th April (Wednesday) although if it were not ready on the 15th (Monday) when I with scores of others attended to hear it, the learned Judges would certainly have had no time to complete it.

I must refer to yet one other fact extraneous to the judgment itself, but not without significance as to how that judgment came to be written. It is this, that on the Saturday after the trial, the 13th April (Saturday is a day on which the High Court does not sit) the learned Judges, Amir Ali and Pratt, with the record, were closeted with Sir Francis Maclean.

What reason can be imagined for this consultation? That a difficult point of law was involved. That Mr. Amir Ali and Mr. Pratt desired the benefit of the Chief Justice's advice on questions of fact, of his experience of the people and of the country? I would suggest that Mr. Amir Ali's consultation of Sir Francis Maclean was a parallel to Moulvie Zakir Husain's consultation of Mr. Twidell—that he wanted to know what master's wishes were. If His Lordship thinks any other explanation possible, I would suggest that he should call for it. That Mr. Amir Ali's judgment of 17th April was not his own unaided composition is apparent on the face of it; it is better English than the learned Judge can write by himself. For a specimen of his own composition I would refer His Lordship to the order he passed on the 27th March.

In view of the above facts, I submit that His Lordship should have little respect for the *authority* of the findings and criticisms which the two Governments now seek to use against me—that those findings and criticisms must derive such value as they possess from their own intrinsic merits, and not from the names impressed upon them—that they must be valued as metal, and not as current coin. For I submit that on the facts I have stated it is *a priori* probable that the two learned Judges in deciding these cases would fit their findings to their conclusions rather than their conclusions to their findings—that it had been arranged beforehand what their decisions should be, and that in writing their judgments all they did was to cast about for reasons to justify those decisions—to make out as good a case as possible for getting me out of the way. And if His Lordship accepts this view he can have no confidence whatever in the judgments —*as judgments*—for the very idea of a judgment presupposes that the Judge applies an unbiassed mind to the evidence and honestly tries to find out where the truth lies.

And with regard to the findings themselves I have one general submission to make to His Lordship; that even if it be thought that I am wrong, and the learned Judges right; if it be held that Sadak Ali, Aslam, and Anwar Ali did *not* commit the murder of which I (and I may add two independent assessors) found them guilty; that Mr. Reily did *not* commit the perjury and forgery for which I unsuccessfully attempted to bring him to trial; that even in that case, unless it be also held that I did not honestly believe in their guilt, or that my belief, though honest, was due to carelessness or undue haste, His Lordship should not hold me blameworthy. I will go further, and say that in my humble opinion not only should I owe no apology to His Lordship, but that I should owe none to Sadak Ali himself.

> "What other should I say, than 'God so willed
> Mankind is ignorant, a man am I:
> Call ignorance my sorrow, not my sin!'
> So and not otherwise, in after time,
> If some acuter wit, fresh probing, sound
> This multifarious mass of words and deeds
> Deeper, and reach through guilt to innocence,
> I shall face Guido's ghost nor blench a jot.
> 'God who set me to judge thee, meted out
> So much of judging faculty, no more:
> Ask him if I was slack in use thereof!'"

Now it is no one's case that I tried the accused carelessly. Amir Ali, J. (Pratt, J., concurring) is of opinion that it is a simple case (" the case is simple enough " are his words), but it is apparent on the face of my judgment that I thought the trial required special care and acted accordingly. At the very outset I stated my reasons for considering the case to be one of unusual importance; and as I pointed out, the actual hearing (including arguments) took sixteen working days, a view of the place of occurrence took four hours more, and the writing of the judgment occupied me nearly as long as the hearing. Pratt, J., actually complains of my " protracting the proceedings to a very unnecessary length," and goes so far as to accuse me of acting " dishonourably " in devoting so much of the time for which Government paid me to writing my judgment.

Nor have the learned Judges, or for that matter any one else, indicated any reasons for holding that my findings were dishonest—any indirect motive I had for believing, or professing to believe, in the guilt of the accused and of Mr. Reily, if they were not really guilty. (I also ordered the prosecution of certain other witnesses, but no one seems to have troubled himself about them—they were black men.) No doubt the learned Judges allege that I started on the trial with the settled idea that the accused were guilty and that I did not maintain a judicial balance of mind in respect of Mr. Reily; and the Government of India speak of my personal animus against the " victims " of my own original judgment. But the " malice " of which I am accused is implied, not express; the argument is that I must have had this malice because I thought the men guilty; that it was impossible for any unprejudiced person to arrive at my conclusions. I have already denied that I had any personal ill-will to Mr. Reily, and have shown how Mr. Reily himself admits that so long as I thought he was merely incompetent I went out of my way to shield him. I doubt if Mr. Reily himself would say I was actuated by malice in proceeding as I did against him. I am sure that most, if not all, of his friends do not say so. As for the accused in the murder case, I had never seen them or even heard their names till I read the depositions recorded by the Committing Magistrate, which I did upon the 5th January, the day before the trial commenced.

I would invite His Lordship's special attention to the way in which the learned Judges have distorted a particular passage of my judgment in order to make out that I had prejudged the case. " The preliminary enquiry," says Amir Ali, J., was held by Babu Kali Sankar Sen, Deputy Magistrate of Noakhali, and the accused were committed to the Sessions. The learned Session Judge, with reference to this part of the case, says as follows:

> " On the 15th of October, the A form was submitted and was made over to Babu Kali Sankar Sen, the Senior Deputy Magistrate, for disposal. On the 16th October, the examination of the witnesses for the prosecution commenced, and from that date, to use an expressive colloquialism, 'it has been all over but the shouting.' We are not sure if we actually apprehend the meaning of this colloquialism used in this connection in a judicial utterance. If it means that from that date the result was a foregone conclusion, then we must say it was a most unhappy expression, showing the bent of the Judge's mind and proving what the learned pleader for the accused contended, that he had approached the consideration of the case with his mind made up on the subject of the guilt of the accused."

And Pratt, J., whose judgment, so far as it deals with facts, is a mere precis of Mr. Amir Ali's, similarly observes:—

> " The conviction of the accused was almost a foregone conclusion, or to adopt the Judge's own language, 'It was all over but the shouting' directly the magistrate began to examine the witnesses."

The passage referred to is on page 97 of the Paper book [Appendix, page 223]. It occurs in the middle of a discussion as to the conduct of the Police in trying to keep the case out of court. And when read with the context, no one—not even an officer like Mr. Amir Ali, imperfectly acquainted with English—can doubt its meaning—that when the case came before the Magistrate it was all up with the Police, for whether or not it resulted in a conviction there could be no doubt as to the fact that they had suppressed evidence wholesale.

Further, I would point out that when I made use of this expression I had decided, after a careful and protracted trial, that the case was true. I used it not before but after the trial. A very little reflection must have shown the learned Judges that the construction which they have put upon the passage—that from the 16th October, I, or, indeed, the Deputy Magistrate, had made up my mind as to the guilt of the accused—was an *impossible* one. As I have already said, I never saw the papers of the case for months after. I knew, indeed, from conversation with Mr. Ezechiel that there *was* such a case, that he thought it might "break" Osman Ali, and that he was very angry with Mr. Reily for the latter's stupidity (as he thought it) in connection with the case; but I am by no means bound to accept Mr. Ezechiel's opinions; I am not usually charged with paying undue deference to the opinions of District Magistrates—rather the other way. I upset, or got the High Court to upset, several of Mr. Ezechiel's decisions. How I could know on the 16th October what I was likely to do in the case—still more what the Deputy Magistrate was likely to do in it—passes my comprehension. As for either of us having made up his mind as to the guilt of the accused, I would point out that five persons were sent up by the Police (under Mr. Ezechiel's orders) for trial, that Kali Sankar Babu discharged one, and that the assessors and I acquitted another. To use Mr. Pratt's phraseology "it ought to have been patent to any unprejudiced mind" that the passage complained of did *not* bear the construction put upon it; but the learned Judges have ingeniously separated it from its context in order to base upon it a charge of prejudging the case. And I would point out the unconscious admission by Mr. Amir Ali that if he had prejudged a case; if he were fitting the reasons to the decision, he would do his utmost to conceal the bent of his mind, and would consider any expression which revealed his real thoughts most unfortunate. I submit that if I had really prejudged the case; if I had really shown any animus against the accused, the persons who would be naturally most indignant at my unfairness would be not the Judges of the High Court, not the prosecutors, but the accused men's own lawyers. We find on the contrary that both the pleaders who defended these men, joined, after I was suspended, and when it was reasonably certain that I would never be their Judge again, in a resolution condemning my suspension, and that at the very time the High Court was condemning me for my unfairness to their clients, Babu Radha Kanta Aich, and Babu Rajani Kanta Bose were foremost in organizing a "public ovation" to me—that even in the High Court Babu S. N. Guha makes no secret of the fact that he was asked to apply for an adjournment, while Mr. P. M. Guha, who conducted the appeal, persistently declined to take the very broad hints thrown out to him by Amir Ali J. to attack me personally, and again and again, when that learned Judge rhetorically asked how this and that part of my judgment was relevant, pointed out what he supposed to be its relevancy, instead of saying, as the learned Judge wanted him to do, that it had none. I may also point out that the briefs of the defence pleaders have always been at the disposal of the popular organs which advocated my cause; the learned counsel apparently being of opinion that they owed no duty to any one but their client, and held no brief for the executive authorities or against me. If their own lawyers do not say I acted unfairly to these accused, how does it lie in the mouth of Government to do so? Of that Government which instituted their prosecution, which went through the farce of supporting their convictions by me before the High Court.

And I would further submit to His Lordship that this tenderness for the accused on the part of His Lordship's subordinate Governments will, in India, deceive no one; that it will be patent to everyone that I might have hanged black Sadak Ali, or fifty black Sadak Alis, if only I had abstained from prosecuting white Reily, as the schoolboy wrote.

I am very very sorry to tell
He refused to grant white Reily bail.

That was my offence, and not my conviction, of the accused. It was not for the sake of these accused, but for the sake of Mr. Reily, that the attempt to intimidate me was made, and that the High Court when, for reasons I will afterwards state, they dared not acquit the principal murderer, found themselves reduced to the necessity of treating my proceedings as partly good and partly bad—good in that they enabled the Court to decide the innocency of two of the accused—bad in that they did not enable it to decide the guilt of the third.

Let me tell His Lordship that the zeal of His Lordship's subordinate Governments for conviction and for severity of punishment is notorious—that "no conviction, no promotion" was the avowed maxim of a late Lieutenant-Governor of Bengal; that I myself have suffered all my service because I am known to be an acquitting Judge; that I myself, as a subordinate Magistrate, have been called upon, even as the Native Deputy Magistrates are now being called upon, to explain my low percentage of convictions; that only two years ago, in Chupra, Mr. Justice Stevens called on me to explain the leniency of my sentences; that in this very case I thought it necessary to apologize for not sentencing all three of the accused to death.

The Judge whom His Lordship's subordinate Governments prefer, who has the best chance of their recommendation to the High Court—is the Judge who does not look too closely into the convictions of the subordinate Magistracy, who is himself satisfied with a low standard of proof, who shows the largest percentage of convictions and the greatest number of death sentences. Such a Judge, they consider, makes for "strong Government" which, in their opinion, is the panacea for all the ills that Indian flesh is heir to.

That very criminal Procedure Bill in connection with which I was so severely censured had for its main object to secure the greater efficiency of the courts, not as Courts of Justice, but as conviction machines. The executive authorities look upon the administration of criminal justice as a means of keeping the people down; it is for that very reason they are so loth it should be taken out of their hands. Their view of the law is the view of Mr. Justice Barkeley in the Shipmoney case;

> "The law is itself an old and trusty servant of the King's; it is the instrument or means which he useth to govern his people by. I never read nor heard that lex was rex, but it is common and most true that rex is lex."

The two Governments profess to be aghast at the strictures passed by the High Court (at their own instance) on my conduct.

"No more severe remarks," says that dispassionate critic, Sir John Woodburn, "could be made by an Appellate Court than that the principal accused had not had a fair trial in the Court below, and that the Judge did not bring to the trial a calm and dispassionate mind."

He has read these remarks, he says, with care and concern. Lord Curzon and his Council effect equal abhorrence.—

> "We have never read and we cannot imagine, a more severe or uncompromising condemnation of the conduct of a Judge, both in the treatment of the judicial and of the general aspects of the case before him, than was passed upon Mr. Pennell on this occasion; and we desire to express to your Lordship our opinion that his conduct entirely merited the censure which the Judges of the High Court thought fit to apply to it."

I think it necessary to point out to His Lordship that, so far as this indignation is inspired by any sympathy for the accused, or by any other feeling than "that pity which some people self-pity call," and which, as the poet remarks—

> "Is sure the most harrowing pity of all,"

it is purely fictitious.

If the Governments felt such sympathy for the sorrows of persons unfairly tried and unjustly condemned, they would feel it not only for the "victims" of the Noakhali case, but for other similar "victims."

On the contrary, we find that Appellate Courts, both High Courts and those of Sessions Judges, are constantly pointing out the injustices perpetrated by the Courts of first instance—not unfrequently attended by every indication not of *implied* but of *express* malice—without those Governments taking the slightest notice of their comments. The "strong executive" officers who most frequently incur such condemnation are, on the contrary, the special favourites of those Governments.

His Lordship has seen what notice has been taken of my comments on the conduct of Mr. Twidell and Moulvie Zakir Husain, in the Chupra case. It may be said I am only a Sessions Judge—but surely it is the truth of the comments which is important, not the position of the person making them. It may be as well, however, that I should make it clear that the strongest comments even of the High Courts will not result in any action whatever on the part of the Executive, unless those comments fall in with the Executive's own inclinations. For this purpose I would refer His Lordship to the case of Empress *v.* Har Govind Singh, reported in I. L. R. 14 All., 242, and cited by me (for another purpose) in my judgment in the Noakhali case (vide High Court Paper book, Part I., page 99 [Appendix, page 224]). The Allahabad High Court, presided over by Sir John Edge, observed in that case that the Sessions Judge had not only censured the committing Magistrate for omitting to break the law by forcing the accused to disclose their defence, but had made that omission a pretext for procedure which, in their experience, was unprecedented in modern times in any part of Her Majesty's Dominions, and was entirely illegal; that he had put up the Government Pleader to present a petition to make the defence witnesses witnesses for the Crown, and had falsified his record and judgment with a view to make it appear that the Government Pleader had acted independently of him; that the object of this petition was to reverse the order of a criminal trial, and to place the accused men at a disadvantage by having their witnesses called, and all that they could say disclosed before the evidence of the prosecution was taken; that by this course the witnesses for the Crown would be put upon their guard, and any cross-examination which could be administered to them would be practically futile. "Such a course," they say, "would be the last which any sane man, who hoped to ascertain the truth, and had not already made up his mind that the accused were guilty, and that nothing was to be said or believed in their defence, would adopt. And yet that course, but in another form, was adopted by the Sessions Judge." They proceed to find that before even the first witness for the Crown had been fully examined, the Sessions Judge—

> "Administered an illegal and inquisitorial cross-examination to the prisoners, picketed all the witnesses available for the defence in twos in the custody of policemen, and began the examination of each defence witness by what must have seemed to them a threat of transportation for life, if they should say in their evidence that it was Amir Singh and not the prisoners who had murdered Sambhal Singh; and yet the issue which the Sessions Judge had to try was, did the prisoners, or some or one of them, murder Sambhal Singh, and at that period of the trial the only direct evidence which had been given connecting the prisoners, or any of them with the murder, had been the evidence of Amir Singh, who himself was accused by the defence of the murder, whose evidence in chief had not been concluded, and who had not then been submitted to cross-examination. . . , The Sessions Judge committed nearly every conceivable irregularity in aid of the prosecution, short of sentencing the prisoners to death without a trial. . . . The opinion of the assessors was delivered late on the afternoon of the 21st January 1892, and before 5.20 p.m. of that day the Sessions Judge had passed sentence of death upon each of the four appellants."

The Court proceed to find that the Judge wrote his judgment not before, but after passing sentence, and falsely dated it 21st January to conceal that fact (much as Mr. Reily put a false date to Exhibit A).

The judgment is on record in the printed reports of the Allahabad High Court, and is to be found in every law library in India. I do not believe, however, that there was ever any "Nicholls" case, or that the exigencies of the service were found to require the transfer of Mr. G. J. Nicholls, the Sessions Judge, who had tried the case, from the popular station of Benares. Sir John Edge, the Chief Justice who pronounced these judicial censures upon Mr. Nicholls, is now, I understand, a member of His Lordship's Council; he will be able to tell His Lordship what notice the Government of the North West Provinces or the Government of India took of his utterances. The popular impression at all events is that they took none, and that they were not likely to take any action against a Judge who had proved himself such a bulwark of "strong Government." And yet the fact that in this case the judicial censures were clearly spontaneous should, it might be said, have given them the greater weight.

In view of facts like these, which might be indefinitely multiplied, I will ask His Lordship to believe that the indignation of the Executive authorities, so far as it professes to be based upon my injustice to the accused, is a simulated indignation. I am quite prepared to admit that their indignation is perfectly genuine, so far as it proceeds from the exposure which I have made of themselves.

I submit that I have established that there is no good ground for charging me with either carelessness or indirect motives in connection with this case, and that, therefore, even if it be held that my judgment is wrong, and that the judgment of the Appellate Court is right, I am not blameworthy. But I am prepared to go a great deal further than this—for I think I can satisfy His Lordship that my judgment was *right*, and that of the learned Judges Amir Ali and Pratt wrong.

In the majority of cases it would be difficult or impossible for me to do this. In this case my task is rendered easier by the fact that the judgment of Messrs. Amir Ali and Pratt was not final—that they directed a re-trial; that in this re-trial the same questions of fact on which the learned Judges and myself had differed were submitted to a third tribunal, selected not by me, but by Sir John Woodburn; that in every case in which the High Court differed from me Mr. Geidt upheld my views; finally, that Mr. Reily, who was again examined at the second trial, went back upon his former evidence, and thereby practically admitted the incorrectness at all events of the statements for making which I directed his prosecution.

Judgment was delivered by Mr. Geidt on the 18th May, and I understand that a copy was at once sent under his direction to the Chief Secretary to the Bengal Government at Darjeeling.

There was time for the Government of India to have got a copy before their letter of the 30th May was despatched, but they have not thought it desirable to place a copy before His Lordship. They have preferred to dismiss the subject, with the summary remark—"the re-trial has since taken place, and Sadak Ali has been sentenced to transportation for life." Apparently they make use of Mr. Geidt's decision, only to point out to my excessive severity in passing the death sentence.

The Government of India must have been perfectly well aware of the nature of Mr. Geidt's judgment long before the despatch of the 30th May was issued; for they must have received by the 22nd May at latest the "Bengalee" of the 20th May, which contains a telegraphic summary of it.

"THE BENGALEE."

Monday, May 20th, 1901.

Indian Telegrams.

THE NOAKHALI MURDER CASE.

SADAK ALI TRANSPORTED FOR LIFE.

(*From our own Correspondent.*)

NOAKHALI, MAY, 18th.

Judgment was delivered at 1 p.m. to-day. Sadak Ali has been convicted of murder, and sentenced to transportation for life. Further particulars follow. The Courtroom was crammed with hundreds of eager spectators.

(Later.)

The judgment in the Sadak Ali case is a lengthy one, coming to fifty-seven pages. The Judge regards Torab, Hossein, and Islam's evidence as truthful, corroborated by strong circumstantial evidence of the ferrymen, Mobabat Ali, Asraff Ali, and Idris. The Judge and the Assessors believe that Sadak Ali was assisted by others. The Judge believes the surothal produced in the re-trial by Osman Ali to be forged, but considers Osman Ali's and Krishna Bhadra's prosecution as premature, leaving the matter to the Enquiry Commission. The Government Pleader requested to prosecute them if the Commissioners find them guilty. The Judge believes that Hossein and Torab deposed before Osman Ali, though he suppressed their depositions. He thinks the evidence of the eye-witness recorded by Mr. Reily as substantially the same as given in the Court, though the Police, as compared with the Judicial and the Magisterial officers, are not practised in rendering deposition accurately, nor do they care doing so. The Judge accounts for the difference between the estimate of the Engineer and Mr. Reily as to the size of the break by the fact that when Mr. Reily came on the 15th September it was drier than in August. The capital sentence was not passed, as Mr. Geidt was not sure who struck the fatal blow, and as the accused was previously sentenced to death and reprieved.

That the executive authorities were by no means pleased at being deprived of the chance of feigning ignorance of its purport may, I think, be gauged from the fact, which I learn from a Noakhali correspondent, that Babu Syam Chand Dhur, the native gentleman on his promotion who has been sent to Noakhali in Mr. Geidt's place to make matters straight, has been taking inquisitorial proceedings in his Office, with a view to ascertain how the news got into the papers so early. And yet I may inform His Lordship that under the law a judgment once delivered is as much public property in India as it is in England.

I would point out that even if the Government of India had not Mr. Geidt's judgment before them when their letter of 30th May was despatched, they have had plenty of time to send His Lordship a copy since. I presume, however, that in that case His Lordship would have so informed me, either when sending me their letter on the 29th June, or subsequently. So, as I have not been informed of His Lordship's receipt of a copy, I may, I think, assume that the Government of India have not thought fit to send him any.

I, however, am desirous that His Lordship should be placed in possession of all the facts, and not only of such facts as the Government of India think good for him. And I would point out that they are interested parties, and that they should not have assumed that His Lordship would give no weight to Mr. Geidt's judgment, merely because it goes against them. I submit that they should not have withheld it from His Lordship, but left His Lordship to form his own opinion as to what weight he would attach to it.

The judgment has been printed in several papers—among others in the "Amrita Bazar Patrika" of May 30th, a copy of which is annexed (Enclosure Z 10).* And on reference to it His Lordship will at once see why the Government of India has withheld it from him; for that the specially selected Judge has played the part of Balaam, and that two more assessors have had the impudence to differ from the learned Judges of the High Court, and to agree with him, and with my humble self.

His Lordship will further find that every argument put forward by Amir Ali and Pratt, J.J., for discrediting my judgment is taken up, examined, and finally rejected by this very senior Judge—who had Government so completely in his hands, in consequence of the promises held out to him before he delivered the judgment—even a High Court Judgeship had been dangled before his eyes—that they have been obliged notwithstanding the judgment to give him special promotion out of his turn to the new first grade of Sessions Judges, and to appoint him to the coveted post of Legal Remembrancer.

I would request His Lordship first to read my judgment, then that of Amir Ali and Pratt, J.J., then that of Mr. Geidt. After he has done so, I think that his respect for justice as it is administered in some Indian High Courts will be somewhat rudely shaken. I would only point out that in 99 cases out of a hundred High Court Judges can do what Amir Ali and Pratt, J.J., have done, without the slightest chance of being found out—for, in criminal cases, there is no appeal from their decisions, and hardly any one who is not personally interested in the case is likely to read the evidence for himself.

But in order to assist His Lordship I may be allowed to give a brief summary of some of the salient features of the case. His Lordship will please bear in mind, that it *is* a summary, and necessarily far from exhaustive.

The case against the three accused whom I convicted rested in the main upon the evidence of three eye witnesses, Hosain, Torap, and Islam. It was possible to believe Islam without disbelieving Mr. Reily. It was *not* possible to believe Hosain and Torap if Mr. Reily were believed; for, in several points of cardinal importance they flatly contradicted him.

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* Not printed.

Not only I myself, but the two assessors believed Hosain and Torap. That the assessors believed these two witnesses is clear from the fact of their finding the accused Anwar Ali guilty; for Hosain and Torap are the only witnesses incriminating Anwar Ali, who is not even mentioned by the remaining witness, Islam. Now, the High Court in remanding Sadak Ali for retrial gave the Lower Court a mandate to believe Islam, but to disbelieve Hosain and Torap. "After carefully and anxiously weighing the evidence of Hosain and Torap," says Amir Ali, J., "we have been forced to the conclusion that it is utterly unreliable." Pratt J. adds:—

> "The Judge did not bring to the trial a calm and dispassionate mind. He approached the case with preconceived ideas, readily accepting as true whatever evidence was adduced against the accused, and thus failed to discover or admit what ought to have been patent to any unprejudiced mind, viz., that Hosain Ali and Torap Ali were false witnesses."

The reason why Hosain and Torap had to be discredited was that if they were believed, it could not be denied that Mr. Reily had in my court committed perjury; and as I wrote to the Government Pleader at the time of retrial. "Of course we all know that Reily lied,—but for political reasons the Executive are bent on making out he did not."

The "control" of the High Court was in the hands of people who would not accept the conclusion that the white Policeman should be punished, could not deny the major premise, that white Policemen, who commit perjury, should be punished, and were, therefore, forced to deny the minor premise, that this particular white Policeman had committed perjury.

But when the case came to be tried, and the same witnesses to be examined, what do we find? What does Mr. Geidt say?

> "Before the trial commenced I addressed the assessors, and exhorted them to banish from their minds all that they had heard of the previous proceedings, whether in this Court, or in the High Court, all that they had heard or read elsewhere, and to bring an open mind to the consideration of this case, which they were to decide on the evidence that was to be presented to them, and on that alone.
>
> "After a trial, which including arguments, extended over nine days, both assessors gave their opinion that the accused was guilty."

But this by itself would not carry us far. The High Court meant that the man should be found guilty; only they intended that he should be convicted on the evidence of Islam alone.

Mr. Geidt proceeded to ask the assessors whether they believed Torap and Hosain. He has not recorded his question, but he has recorded their answers.

Babu Mohendra Chandra Some: "I believe the witnesses Torap and Hosain."

Babu Gopal Chandra Dutt: "I also believe Hosain, an old man."

Mr. Geidt devotes the greater part of his judgment to a consideration of the question whether these two witnesses should be believed, and takes up and examines, one by one, the reasons which Amir Ali, J., has set forth for disbelieving them. He concludes as follows:—

> "I have now analysed at length, it may be thought at undue length, the reasons for believing or disbelieving the two important witnesses Hosain Ali and Torap Ali . . . .
>
> "In my opinion Hosain Ali and Torap Ali were substantially speaking the truth.

The authorities who selected him are stopped from denying that Mr. Geidt is indeed a learned Judge, and I, like Portia, are content to style him a very Daniel come to judgment. I would only remark that besides being an Officer of 25 years service, Mr. Geidt was for a long time Judge of Comilla (Tipperah) which is the next District to Noakhali, and to which indeed Noakhali previously belonged, so that he has not only experience but local knowledge.

I need not refer in detail to the grounds given by Mr. Geidt for believing these witnesses. I would only point out that more than half of Mr. Amir Ali's judgment is taken up by an attempt to refute their testimony, and that all the dishonest arguments of that learned Judge—for the dishonesty of those arguments, *e.g.*, the arguments that the witnesses would not go to a hut 3 or 4 miles off—that they would have taken more pains than they did to tell others what they had seen of the murder, and the like, is palpable to any one who knows the country though not, of course, to the British public—are conclusively refuted by Mr. Geidt.

But the main point which I wish to make is this. These two witnesses were believed by Mr. Geidt; they were believed by Kali Sankar Babu, a senior Deputy Magistrate. They were believed by the assessors who sat with me, one the Head Master of the Government School, and the other a local landowner.

The opinion of the assessors could not have been affected by my judgment, for it was given before I began writing my judgment, or introducing the "irrelevant" Exhibits. The witnesses were believed by Mr. Geidt, and by two fresh assessors whom he selected. Babu Kali Sankar Sen, Mr. Geidt, and the two sets of assessors had the advantage—not enjoyed by the learned Judges of the High Court—of having the witnesses before them. No one, however, says that Mr. Ezechiel, that Babu Kali Sankar Sen, that Mr. Geidt, that the four assessors are prejudiced persons, or proposes that they should be punished because (it may be in error) they believed these witnesses—but because *I* believed them or professed to believe them, it is held to be a necessary conclusion that I approached the case with preconceived ideas, and it is proposed that I should be turned out into the streets to starve.

I now come to the case of Mr. Reily; the Lieutenant-Governor states in his letter, No. 123, A.-D. (paragraph 14) that the High Court *acquitted* Mr. Reily—nor is this distortion of facts pointed out by the Government of India.

The High Court did not, and could not, *acquit* Mr. Reily—what they did was to give him a certificate of character and decide that he should not be *tried*.

If he had been tried the decision would have lain, not with a Mahometan gentleman like Mr. Amir Ali, but with a jury of Mr. Reily's countrymen.

Englishmen in India are not tried by people like Mr. Amir Ali; and an attempt to introduce such a mode of trial some twenty years ago was nearly producing a revolt; the English community very clearly indicating that the plan of making over the trial of accused persons to Magistrates and Judges who were mere tools of the executive might be very well for natives, but that it would be a bad look-out for any one who tried it on with them.

Now, no one has ever accused European Juries in India of an undue readiness to convict their own countrymen on native evidence, and the greater part at least of the evidence against Mr. Reily would have been native evidence. But Mr. Reily and Mr. Reily's friends thought it would be better not to submit him to the arbitrament of a British jury; they preferred a certificate of character from a native Judge.

And to show how this conduct is regarded by some at least of Mr. Reily's countrymen, I would solicit a reference to an article "What is Honour?" in the "Bengal Times," which, with two other articles from the same journal bearing upon Mr. Reily's case, is reprinted in the "Bengalee" of May 10th:—

"To ape virtue" begins the article, "is cheap, and so is an affectation of justice, whether in a superior or in an inferior Court. Parody is not a difficult art. and sometimes affectation of justice is exceedingly pathetic, sufficiently so to deceive many. But to our text. One hears much talk of British truth, justice, manliness, and honour. Heaven forbid that anyone should deny their existence in any person claiming to be, if not a Briton, at least a Britisher, but what is our manner of convincing our fellow Indian subjects that we love and cherish these virtues? Has Sir Francis Maclean done so by trying to intimidate his subordinate, a Sessions Judge, into committing an illegal act in Mr. Reily's case? Has our Local Government done so by its palpably unjust treatment *re*

Mr. Pennell's judgment and transfer? Have our High Court Judges done so by their ill-concealed eagerness to help our Local Government out of a dilemma, by agreeing to acquit a man of an offence for which he has never been tried? Has this same *man* (?) given any proof of his good faith and honesty, his love of truth, and his respect for justice, by his frantic efforts to *evade* a fair trial, an ordeal every honest, honourable man would seek with might and main, never feeling satisfied until he had obtained it? . . . We say to our shame, and with a sense of degradation, that we belong to a nation capable of such conduct."

And I would also refer His Lordship to the article on "Mr. Reily's acquittal," which immediately follows, and which shows that others of his countrymen even then shared my conviction of Mr. Reily's guilt.

But the point to which I would specially invite His Lordship's attention is this—that in the trial before Mr. Geidt, Mr. Reily told the truth—that he went back upon the evidence he had given in my Court, and admitted the very facts which he had then denied.

I would point out to His Lordship that after the decision of the High Court Mr. Reily was safe from any prosecution for what he had said before me—but that if he had again told lies before Mr. Geidt, it would have been open to this latter Judge to renew his prosecution; and in paragraph 10 of my letter to the Government Pleader, I had suggested that if Mr. Reily stuck to the lies he had told me, the Government Pleader should apply to Mr. Geidt to do so.

It will thus be seen that Mr. Reily had not the same motives for persevering in his perjury as a man who has once told a lie on oath usually has! And His Lordship will find that he did not so persevere.

I have not got a copy of Mr. Reily's evidence at the retrial, but I presume that its effect is fairly stated in Mr. Geidt's judgment, especially as I am advised from Noakhali that Mr. Reily *did* change his evidence in the manner indicated, and that, indeed, this was the only reason why the Government Pleader did not think it necessary to avail himself of some of the suggestions for Mr. Reily's cross-examination which, in my letter to him, I put forward on the supposition that Mr. Reily would adhere to his former evidence.

"The map (E x A a)," says Mr. Geidt, "prepared by the Court Head Constable, under the District Superintendent's direction and supervision, shows two roads west of Ismail Jagirdar's *bari*, by which the witnesses might possibly have gone to Bellew Sahib's Hat. The most westerly of these roads, marked Guna Mir's road, would afford the witnesses by far the shortest journey to that Hat.

The District Board Sub-Overseer who prepared the map (Exhibit V), deposes that this so-called road, shown on the Police map as being for the most part as broad as any of the main district roads, is merely a footpath nearly on the level of the paddy fields through which it runs, and that it would, in his opinion, be under water in the rains.

The public prosecutor points to the delineation of these roads on the map as another instance of the efforts on the part of the Police to discredit the evidence for the prosecution, though he does not accuse the District Superintendent of being a party to this deception.

Mr. Reily's evidence is to the effect that *he did not go over the roads shown in the map*, and that he left it to the Court Head Constable to delineate the features which he himself did not see, and that this Guna Mir's road was not visited by him."

Mr. Geidt goes on to say that the break Mr. Reily speaks of in his evidence on Ashak Jemadar's road could not have been the big break which made that road impassable, but was probably a much smaller break nearer to the murdered man's house.

I beg to point out to His Lordship that this is just what I said in my judgment. Mr. Reily now admits that he did not go over these roads, and cannot personally vouch for the accuracy of the Police Map, but in my Court he would not admit this; he would have it that he had been over the roads *himself;* that he was with the Court Head Constable the whole time; that even though the plan was in the handwriting of the latter the whole of it was prepared "*in his presence,*" and under his personal supervision, and that he could swear from his own knowledge of the locality that it was correct.

From the neighbourhood of the murdered man's house to the place where it joins the main (Ichakhali) road there are these breaks on Ashak Jemadar's road; but one of them—the furthest—is beyond all comparison the biggest; when, therefore, Mr. Reily persisted in swearing he had been all along this road, and that he only remembered one break, though there might be others, the natural inference is that he meant the big one. He now, apparently, admits—as I held in the former trial—that he never got beyond the vicinity of the murdered man's house, and so only saw the nearest and smallest break.

But he would not say this before me; on the contrary, he betrayed his real ignorance of the locality by first saying that the break was the size of a small table in front of him, and then admitting that he was not prepared to swear that it was not twenty yards long. I can myself assure His Lordship that it is a huge break, and that no one who had ever seen it could possibly describe it as Mr. Reily did; the fact now comes out that he did not see it; was describing it simply from his imagination; and is unable, therefore, to swear whether it is 5 feet long or 20 yards long, whether it is 1½ feet broad or 9 feet broad. Before me he spoke of riding past it, whereas Mr. Geidt remarks—

> "The full depths extended right across the road, with ditches still deeper on either side." (See evidence of District Engineer.)

In this case Mr. Reily was sent out to do the work himself, because the District Magistrate did not trust his subordinates. I found that, as a matter of fact, he did not do the work himself, but left it to the very subordinates whom his superior officer distrusted. Mr. Reily had, in his Diaries, represented that he had done the work himself. Mr. Bignell had just been blaming him for trusting his subordinates, and Mr. Ezechiel, to whom he had represented that he had done the work himself, was in Noakhali, and was seeing and having long talks with me every day.

The result was, that Mr. Reily, when examined before me, tried to make out that he had really done the work himself as represented in his Diaries, and thereby was obliged to adopt the lies put forward by his subordinates. The fact being that he was too great a coward to tell the truth, which was that he had left everything to the very subordinates whom his superior officer distrusted, and that the Diaries describing his own proceedings had been composed not by himself but by his Head Clerk, who was in league with those very subordinates.

As Mr. Reily now admits the very things which I said against him, I think it rather hard that I should be turned out of the service for saying them, especially when he is reinstated and sent to a better district. I am not at all anxious that any punishment should be inflicted upon Mr. Reily, who is a harmless person enough, and only told lies in self defence, but the Government seem to think they must make up for their leniency to him by severity to me. As the "Amrita Bazar Patrika" says, it is a case of "holding the equilibrium."

And if in any part of my judgment I have laid myself open to the charge of exceeding the legitimate limits of criticism in my observations on Mr. Reily's conduct, I would point out that there are usually considered to be certain limits to what a man should do in self defence, and that Mr. Reily's conduct showed a complete disregard for the interests of anyone but himself.

He not only told a number of lies as to his own proceedings, and committed an "error of judgment" in tampering with one of two duplicate maps, the other of which was out of his reach, but he wantonly accused the murdered man's widow of unchastity merely on account of her son's troublesome persistence in seeking for redress against the murderers.

His Lordship should also bear in mind the extreme peril into which Mr. Reily's conduct brought the two witnesses, Torap and Hosain, who so flatly contradicted him. Had I taken the same view of their evidence as Amir Ali and Pratt, J.J., professed to have done—that they were false witnesses—I should have had to direct their prosecution for committing perjury with intent to procure a conviction for murder, which, in Indian law, is an offence of far greater gravity than ordinary perjury; and the consequence might have been that these two poor peasants, whose only crime was that they had told the truth, when the interests of Mr. Reily and his Police required its suppression, might have been condemned to transportation for life.

Before proceeding to deal with the few remaining charges, I think it advisable to notice some of the more glaring misrepresentations contained in Mr. Amir Ali's judgment. I do this not only in my own interest, but in that of the administration of justice. It is not often one gets such a chance of exposing a dishonest High Court Judge as this case gives me.

The judgment no doubt is professedly that of Mr. Pratt as well, but His Lordship will observe that Mr. Pratt throughout these proceedings played a very secondary part. He did little but cast a silent vote for Government; and he was selected for this trial for the very same reason that brought about his elevation to the High Court Bench—that he is regarded as a "safe" man from the executive point of view. With Mr. Amir Ali the case is different. He has given me credit in his judgment for ability, and I may be allowed to return the compliment. I do not mean that the gentleman has any ability as a lawyer, or that he ever had or was ever likely to have any practice at the Bar; but he has had always the luck to jump in his judgment with the present way of the times whatever it was, and his chance has been to get thereby. The fact that he is an Indian, and a professing Mahomedan, makes him both more useful to the Executive authorities, and more dangerous to the community. His judgment in this case, whether it be his own work or that of others, is as clever and unscrupulous a piece of special pleading as Lord Curzon's Resolution in the Chupra case.

To begin with the maps. There were three plans filed before me; one (Exhibit V.) prepared by the District Engineer and his Sub-Overseer, under Mr. Ezechiel's orders, another (Exhibit A.) prepared by the Court Head Constable, and signed by Mr. Reily, and a third (Exhibit A a) the office copy of the Police map, which Mr. Reily produced at the last moment. Now, Exhibit V. was prepared *after* Exhibit A. (the Police Map). Mr. Ezechiel ordered its preparation because the prosecution questioned the accuracy of the Police map; he ordered the District Engineer to make, not a general map of the locality, but a plan of the *roads*, in order to test the argument set up by the Police that Torap and Husain could not have come by the way they alleged.

Exhibit A. (the Police map) is, as a matter of fact, full of inaccuracies, all made with the same object, that of throwing dust in the eyes of the Court; and in the Reily case the learned Judges had before them a general plan of the locality, subsequently prepared by the District Engineer himself under my orders, which showed the true state of the locality, and also the state of the locality as falsely represented in the Police map.

Now, Mr. Reily, knowing really nothing of the locality, was obliged to admit, when shown Exhibit V., that he could not make out anything from it at all. I adverted to this in my judgment as a proof that he really knew little about the locality, and had been trying to get it up from the Police plans; and stated that "having been over nearly the whole place (and a great many parts not shown) with this plan in my hand I can say (and I am an old Settlement Officer, and accustomed to plans) that it has been prepared with very creditable accuracy."

In the Order Sheet (High Court Paper book, Part I., page 6 [Appendix, page 169]) His Lordship will find the following statements as to my proceedings at the place of occurrence:—

"12. The 19th January, 1901.— . . . . On the accused being called on for their defence, Babu R. K. Aich, their pleader, put in an application for a view of the place of occurrence by the Judge and Assessors, and was heard in support of it. As the place of occurrence is near the town, I think such a view desirable. It is arranged that Babu R. K. Aich shall provide the Assessors and the Government Pleader with a gari or garis, and come with them to my house at 7.30 a.m. to-morrow. The Translator of this Court will also attend. We will then go to the various places mentioned in the course of the trial, and return thence to Noakhali."

"13. The 21st January, 1901.—Yesterday I visited the place of occurrence with the Assessors, and we saw all the more important places, being engaged therein a good three hours (apart from journey to and fro)."

It will be seen that it was, or should have been, known to the learned Judges that I asserted that I had personally tested Exhibit V. And if Exhibit V. is true, an instant's *comparison* will show that the Police plans are, to put it mildly, incorrect.

Yet what does Amir Ali J. (Pratt, J., concurring) say (page 2* of his judgment):—

> "Even Exhibit V. prepared by the Sub-Overseer is imperfect. It represents the *locale* only partially, and does not give all the houses along the road; nor does it depict the roads leading from the town Noakhali to the village of Chur Uria. In spite of the allegation of perjury and forgery against Mr. Reily there is nothing to show that the delineation of the place, apart from the condition of Asak Jemadar's road, is incorrect; and we, therefore, proceed to deal with this case upon the basis of the draft map prepared by Mohim Chunder."

As Exhibit V. was prepared with a special object, viz., to show the alternative roads Torap and Hosain could have gone, there was no need to give all the houses along the road. For the same reason it was not necessary to depict the roads leading from Noakhali to Chur Uria, except from the point at which the different alternative routes diverged. There was no need to show the road from Bellew Sahib's Hat for the 2 or 3 miles that the witnesses must have traversed in any case, whichever route they chose afterwards.

The fact that Exhibit V. does not show certain things which were unnecessary to be shown for the purpose for which it was made is no proof that the features of the *locale* which it *does* show are incorrect. I state that I have myself tested it with the *locale*, and found that it has been prepared "with very creditable accuracy." And if this plan is correct *as far as it goes*, a mere *comparison* of it with the draft map prepared by Mohim Chunder (Exhibit A a) will show that the delineation of the place in this latter is *incorrect.*

Yet Amir Ali J. (Pratt J. concurring) proceeds to deal with the case on the basis of this *incorrect* Police plan, which had been questioned by Mr. Ezechiel even in the Deputy Magistrate's Court; and later on they use it for the very purpose for which Mr. Ezechiel had Exhibit V. prepared, viz., "to consider the evidence of Hosain and Torap, the principal eye-witnesses in the case."

"In order to understand their evidence," say these learned Judges, "it is necessary to keep in mind the *excellent* map prepared by the Head Constable, Mohim Chunder Mazumdar, regarding which we have already expressed our opinion" (page 7 of High Court's judgment [Appendix, page 351]).

Nor, in the Reily case, when they had before them the District Engineer's Map, showing at a glance the true and the false state of things, did they think it necessary to modify their opinion, or to express regret for their mistake, if it were a mistake, and not a wilful misrepresentation.

It is sufficient to point out that at the retrial the defence did not even venture to put the man (Mohim Chunder Mazumdar) who had prepared this "excellent Map" into the box; that the correctness of the Map was disavowed by Mr. Reily, its nominal author; and that the only use which the Court made of it was to discredit the Police.

So much for the excellent Map.

But Amir Ali J. (Pratt J. concurring) goes further than this—although he has never been within a hundred miles of the place he thinks (or professes to think) that the evidence justifies the conclusion that the break would not deter the witnesses from going that road. (*All* the evidence I may say is the other way.) And he even ventures on so deliberate a misrepresentation as this:—

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* *Vide* page 348.

> "It is a noticeable circumstance in this case that the witness Ismail or Islam, upon whom the Sessions Judge has relied, does not appear to have considered that break so formidable as to have been deterred by it, as we shall see later on, from going home that way."

Mr. Reily had said the break was insignificant—so Amir Ali J. must say it was insignificant—and so he must represent Islam, a witness relied upon by me "as going home that way."

Now, as pointed out by me in paragraph 2 of my letter to the Government Pleader, no one had even suggested that Islam went home that way; "Mr. Amir Ali's statement that he went home that way is altogether unsupported by the evidence. It is almost physically impossible that he should have done so."

I would now ask His Lordship to turn to Mr. Geidt's judgment:—

> "The District Engineer was, during the course of the trial, sent to plot on his map the paths leading to Islam's house and his deposition on his return shews that the way through Abdul Aziz's bari would be the shortest for Islam to take on his way home, and that by this route he would also avoid the big break at Ashak Jemadar's road.

So, thanks to Mr. Geidt, another misrepresentation of Amir Ali J. (Pratt J. concurring) is nailed to the counter.

What, again, can His Lordship think of the observation. "The trial continued up to the 25th of January, when "a few more words from Babu R. K. Aich, for the accused, were heard."

What is the point of that citation? Is it not an attempt to insinuate that I cut the defence pleader short? And would it not have been fairer for the learned Judge to mention the fact, which he must have known from the order sheet, that "the pleader for the defence" (*i.e.*, Babu R. K. Aich) had been addressing the Court the whole of the previous day? Does Babu R. K. Aich allege, has any one ever alleged, on behalf of the accused that the defence in my court was not allowed every reasonable latitude? And if Amir Ali J. does not mean the contrary, what *does* he mean by extracting that passage from the order sheet? The expression was natural enough. Babu R. K. Aich had *closed* his address on the 24th, and the case was adjourned only for the address of the Government Pleader, but on the 25th Babu R. K. Aich said there were one or two things he had forgotten to urge, and was heard for 5, or perhaps 10, minutes longer. He had been heard for 5 or 6 hours the day before.

Pratt J. complains of my protracting the trial to a very unnecessary length. The High Court took 3 days to hear the appeal, and several days more to write their judgment. Mr. Geidt only had one man to try, and the case had, to a considerable extent, been thrashed out before me; in particular, the defence abandoned several witnesses, and owing, in the main, to the change in the nature of Mr. Reily's evidence, but partly also to the fact that English knowing assessors were selected, Mr. Reily's examination, instead of taking 4 days, as it did in my Court (one day being devoted to translating his evidence) took less than a day. Still with all this the actual hearing took Mr. Geidt 9 days, and writing the judgment took him 3 days longer, nor had he attacks of illness such as I had during the trial, and while writing my judgment. The High Court say my judgment is too long, but it is not proportionately longer than their judgment in appeal; and Mr. Geidt's judgment is also long. I may point out that if Mr. Reily had deposed before me as he deposed before Mr. Geidt, a great deal of my judgment would have been unnecessary, and that with regard to such misconduct on the part of the other Police as I had already dealt with Mr. Geidt may have thought that any criticism of his own would be like flogging a dead horse. To the acts of misconduct on which I had enlarged he has but briefly referred, but to a fresh piece of villainy on the part of Osman Ali and Kisto Bhadra—the forging of a "Surat hal," or inquest report—he has devoted a considerable space. Perhaps I am justified in thinking that he would have said more about the other matters if I had not been before him, and if a Special Commission had not been already sitting to enquire into the state of the Noakhali Police generally.

The Government of India admit that there is much to show that the administration of the Police in the Noakhali district is not in a satisfactory state, but they have omitted to mention to whom that admission is due. Even Amir Ali J. (Pratt J. concurring) is constrained to concede the major premise that "a Judge in a criminal trial is entitled to criticise the laches or deficiencies of the Police who are charged with the investigation or detection of the crime. Indeed, in our opinion, he would be failing in his duty were he to act otherwise when he has come to the conclusion that the Police had not done their work properly, or honestly." And what they object to is my fitting these general maxims to particular facts.

Amir Ali J. (Pratt J. concurring) makes a great point of the fact that the witness, Torap, "admits that he was challaned in a case by the Sub-Inspector in which he was convicted." Amir Ali J. (Pratt J. concurring) omits, however, to indicate the nature of this case or the fact that it occurred just 26 years ago. This is what Mr. Geidt says upon the subject:—

> "As regards the third witness, Torap Ali, the only possible cause for bias in his mind against Osman Ali was that the latter had sent up the witness for trial on a charge of rioting, which resulted in conviction and a sentence of one month's rigorous imprisonment and a fine of Rs. 15. This however was an incident that occurred more than 20 years ago, and is to my mind not a sufficient reason for thinking that in order to take revenge on the Daroga, he has entered into a conspiracy to put Sadak Ali in peril of his life."

His Lordship may be somewhat surprised at the fact of Amir Ali (Pratt J. concurring) giving any one the *chance* of exposing him as Mr. Geidt has done. Why, he may ask, supposing these two Judges were dishonest, should they not have acquitted all three accused, instead of acquitting two and remanding one for retrial?

Such a retrial was no part of Sir John Woodburn and Sir Francis Maclean's original plan; it was intended that the High Court should acquit all three, and quash the proceedings against Mr. Reily. Mr. Geidt was sent to Noakhali, not to do anything, but simply to keep up the illusion in the public mind that there was a possibility of Mr. Reily being brought to trial. It would not have done to let the public know that it had been arranged beforehand that Mr. Reily should not be tried. For the same reason it may be that Sir John Woodburn was comparatively careless in his selection, or rather that he selected a Judge who had a reputation for honesty. From this point of view it was an advantage to send a (reputedly) honest Judge to Noakhali, so long as that Judge in the end got nothing to do.

Mr. Geidt himself gave out, on coming to Noakhali, that the proceedings against Mr. Reily would be quashed. The contingency of a retrial of Sadak Ali never occurred to any one, it being quite without precedent for a High Court to remand for retrial a man who has been sentenced to death.

Mr. Geidt further stated that Sir John Woodburn had assured him that he would not have to stay at Noakhali for more than a month at the very outside. Mr. Walmsley, a junior Civilian, was informed by the Chief Secretary that he was to succeed Mr. Geidt; this Mr. Walmsley introduced himself to me in Darjeeling, and bought much of my furniture; he sent a great quantity of his own effects to Noakhali in the expectation of going there. This Mr. Walmsley wrote to Mr. Geidt, to know when he should join. Mr. Geidt replied on the 26th March, by an ordinary state telegram—"Directly Mr. Reily's case is disposed of, letter follows," and wrote to Mr. Walmsley to the same effect.

The turn which things ultimately took came as a most disagreeable surprise to Mr. Geidt, who did not share Sir John Woodburn's opinion as to the desirability of Noakhali; and when Mr. Cargill informed him, on the 17th April, of the purport of the High Court's order in the murder case, he was unguarded enough to express the opinion that it was a very weak judgment! However, even after this he expressed his intention of going away; it was only under orders that he remained for the retrial, which he accelerated by every means in his power—wiring to the High Court to send records, selecting English knowing assessors, and the like, eventually quitting Noakhali within an hour of delivering judgment.

One consequence of the prolonged detention of Mr. Geidt was that the arrangement of posting Mr. Walmsley to Noakhali had to be altered, as his leave was coming to an end, and he was sent to Cuttack instead, and had to get all his things sent back from Noakhali.

I submit that the fact that Sir John Woodburn told Mr. Geidt that he would not have to stay at Noakhali more than a month at most, and that Mr. Geidt told some of the pleaders there that he did not expect to be there more than 3 weeks, proves conclusively that it was not contemplated when Mr. Geidt was appointed that he should either retry Sadak Ali or hold the preliminary enquiry in Mr. Reily's case.

For a month or 3 weeks was the minimum within which the High Court might reasonably be expected to pass orders in those cases; if Mr. Geidt had to do anything in them he would have had to remain at Noakhali for a month at least after the High Court orders were passed; in each case he would have not only to await the return of the records, but to summon witnesses, some of whom, especially in Mr. Reily's case, had to be brought from great distances.

If Mr. Geidt had thought that he would ever have to retry the murderers, a senior Judge like himself would never have acted in the way he did on first arriving at Noakhali. There is not much of interest in that very desirable station, and Mr. Geidt spent most of his spare time in the early part of his sojourn there in going about the bazaar and the neighbourhood of Char-Uria, and making private enquiries as to the truth of the case, the opinion people entertained of me and the like. He did this so openly that it was reported at the time in the papers. To avoid misconception I may add that my knowledge of the facts is derived from other sources also.

Not only was the action of the High Court unexpected—it was unprecedented. My authority for this statement is the "Calcutta Weekly's Notes," the "Law Times" of India, the reports in which are daily cited in the Courts.

I have not got the article itself before me, but it is quoted in the "Bengalee" of April 25th, from which I have extracted the following:—

WEEKLY NOTES ON NOAKHALI CASE.

It is not the Native Press alone that condemns the judgment of the High Court in the Noakhali murder case. The Calcutta Weekly Notes may be said to reflect the opinion of the Calcutta bar. It is edited by a barrister, and it seeks to represent the views of the lawyers of the High Court. The Weekly Notes as strongly condemns the judgment of the High Court as any Indian paper; and some of the grounds urged are precisely those which we have discussed in our columns. The Weekly Notes observes :—

"Very unusual procedure seems to have been adopted by the High Court in the case of Empress *versus* Sadak Ali and others, popularly known as the Noakhali murder case. We have not been able to find any precedent for remanding a capital sentence case for re-trial by the Court below when the High Court had a complete record, and considered the whole of the evidence before it. The order of remand is all the more remarkable, as it has reference to only one of the several co-accused whose offence arises out of one and the same transaction, and the evidence on record has a bearing on the whole case. We could have understood the order if the remand had been under sec. 375 of the Code of Criminal Procedure, for the purpose of further enquiry, or for taking additional evidence. No doubt, sec. 376 gives the High Court the power to order a new trial on the same charge. But if a re trial was ordered under that section, it is a matter of ordinary judicial fairness that the remanding Court should not comment on the evidence or express any opinion as to the credibility of any particular witness or witnesses.

It is not tolerated by the law that publicists should make any comments on a pending case lest there should be prejudice in the trial: on what principle is it to be justified that an appellate court should remand a case for re-trial, with findings as to who is to be relied on and who not, and what inferences arise from the evidence, recorded in the previous trial? It is manifestly placing a subordinate court and the assessors in an almost impossible position, namely, to arrive at any independent finding."

Our local contemporary finds fault with the judgment for disposing of issues affecting the conduct of the case by the police, when some of them at least were pending before the court and had to be judicially decided upon facts which were to be laid before the court. The "Weekly Notes" observes :—

> The order and direction of the remanding court transgress the fundamental principles of judicial trial in another respect. A very material issue in the case is whether the police had placed obstacles in the way of a proper judicial enquiry into it, and whether a certain police officer had perjured himself during the trial and attempted to pass off a certain forged document as genuine. We cannot comprehend how a court, not finally disposing of the case but remanding it, as against the principal accused, for a new trial, can record any finding with regard to such issues. Still this is what the learned judges have done. This seems all the more unfortunate, as certain rules in connection with those issues are still pending before the same court.

The Pioneer will please note that the native press is not singular in its condemnation of the judgment of the High Court. It is supported by organs of public opinion, which in legal matters are entitled to speak with authority.

The remarks of the "Weekly Notes" are also cited in "Capital" of May 2nd, which comments on them as follows :—

> "This is an outspoken criticism, and published as it is in the pages of "Weekly Notes," must be taken to reflect the opinion of the local bar, or at least of a considerable section of it. Nor will it be deemed unreasonable that they should respectfully call attention to this trangression of an essential principle in the administration of justice."

Now, I would submit to His Lordship that senior and experienced Judges do not deviate from established principles of justice, which they have been accustomed to follow all their lives, by accident or without some very special motive. And I proceed to indicate to His Lordship what motives may reasonably be held to have actuated Amir Ali J. (Pratt J. concurring) in their very extraordinary procedure.

The reason why they commented on the merits of Mr. Reily's case, while his conduct was not only an issue in the retrials but was *sub judice* before themselves, was that they could not be sure of what Mr. Reily would do—whether or not he would apply to quash the proceedings as suggested by them, or would elect to stand his trial. In the latter case, the best thing they could do for him was to give him a certificate of character, so that if the case went before a jury it might be said on his behalf that he would have had no difficulty in avoiding a trial, but that he wished his innocence to be clear to all the world,

The reason why they remanded Sadak Ali instead of upholding the conviction in his case was that they did not wish it to be said that my judgment had been even in part upheld; or as the "Bengalee" of April 21st put it, "if the learned Judges have ordered a retrial in the case of Sadak Ali it is because they could not see their way to acquit Sadak Ali, and they had made up their minds not to uphold the conviction regarding any of the accused." The article in question (the second of a series of articles dealing with the Noakhali Murder Case) to the whole of which I would solicit His Lordship's attention, ends as follows:—"in adopting the course they have done they (the learned Judges) have succeeded in serving neither logic nor justice;" and if His Lordship will read the article he will, I think, come to the conclusion that even if there be doubt as to the justice of the High Court judgment, there can be none as to its want of logic.

And if it be asked why Amir Ali J. (Pratt J. concurring) took this extremely illogical course, and were further guilty of such an outrage as to try to dictate to the trying Court in a capital sentence case how much and which of the evidence that Court should believe, then I would submit that the object was to satisfy popular sentiment by convicting the principal murderer, and at the same time to throw over the Judge.

When he called on me at Noakhali, the day after the decision was given, Bábu Radha Kanta Aich, the senior of the defence pleaders, told me that it passed his comprehension how the High Court could distinguish Sadak Ali's case from that of the other two accused. I told him I could understand them distinguishing Anwar Ali's case, but that I could not see any possible distinction between Sadak Ali and Aslam; the evidence against these two being precisely similar. Nor so far as I know has any one attempted to justify the distinction. But though there is no distinction from the standpoint of legal evidence between Sadak Ali and Aslam—either both of them are guilty or both are innocent—there is a considerable difference in the way in which the Public would look at their acquittal; for, as I found in my judgment, and as Mr. Geidt has also found, Sadak Ali was not only concerned in the murder but he took the leading part in it.

And the reason why Amir Ali J. (Pratt J. concurring) took the extraordinary course of directing a retrial and thereby exposing himself and the Government to the rebuff which Mr. Geidt has given them is, I submit, the physical cowardice of Amir Ali J.—his dread of assassination by some of the murdered man's friends.

It appears to be admitted by the two Governments that my conduct in this case has made me a popular hero, and His Lordship can understand that Mr. Amir Ali must have felt himself likely to incur considerable odium by dishonestly acquitting the murderers—an odium accentuated by the fact that all the parties concerned in the case are Mahomedans, and that he is himself a professed Mahomedan. Noakhali is the most purely Mahomedan district in Bengal, I believe in India, and any one who knows the Eastern Bengal Mahomedan will know that Amir Ali J. was incurring a very real peril. The Bengali Hindus may be men of their tongues, but these Eastern Bengal Mahomedans are men of their hands, and probably out of Ireland there is no part of the British Empire where a failure of justice is more frequently redressed by private vengeance. The number of gunshot murders in the adjoining district of Backergunge rose so high some years back as to necessitate the disarmament of the district; and if the characteristics of the Noakhali Mahomedans had ever been absent from Mr. Amir Ali's mind, they must have been recalled to his recollection by a passage in my judgment in the case (already mentioned) of Lal Mir, his acquittal of whom created a sensation only less than his decision in the present case. "In Noakhali, I had said, "the Hindus are an insignificant minority amongst a mass of Mahomedans of much the same class as those in the neighbouring district of Backergunge."

Nor was Mr. Amir Ali alone in peril. It must be remembered that this case is only the culmination of a reign of terror in Noakhali, during which no man, at all events no poor man, has been safe. When I sent Mr. Reily to jail after delivering judgment I was followed to my bungalow by hundreds of Mahomedan cultivators, men who did not know a word of what I had said, but who knew and saw what I had done—that I had laid the axe to the root of Osman Ali's tyranny. Even when the news of my suspension became known, many of these Mahomedans were only restrained from violence by the influence of the Baptist Missionary, who has been labouring among them for 15 years; and at the time that the High Court was trying the appeal, Mr. Cargill, the District Magistrate, became so alarmed at their attitude that he wired to Government to know what he should do.

The plan of acquitting two of the murderers and remanding the principal one may, therefore, have secured to Mr. Amir Ali a happy *via media* by which he could satisfy Government and at the same time save his own skin, possibly the skins of certain Government servants at Noakhali also. Moreover, if Mr. Geidt had done as was expected of him the High Court censures would have lost none of their weight, indeed, they would have received the endorsement of a quasi independent tribunal. Popular feeling would be appeased by the conviction of the principal murderer. A senior member of my own Service would have added the weight of his name to the condemnation placed upon me for believing Torap and Hosain. While the assessors would have only found Sadak Ali guilty without saying on what evidence they found him guilty.

It will be seen that neither the native press, the commercial community, nor the Calcutta Bar anticipated that Mr. Geidt would have ventured to disregard the mandate conveyed to him as to which witnesses he was to believe and which he was to reject as false witnesses. Sir John Woodburn had done his utmost to keep Mr. Geidt in good humour, even going the length of ordering the District Magistrate to meet him at the outskirts of the District, and personally conduct him to Noakhali; and I have less difficulty in believing he was deceived in his opinion of Mr. Geidt, as that gentleman, at first, certainly did everything in his power to induce that deception. I saw him in the Club at Calcutta for several days before there was any talk of his going to Noakhali, and though I have been acquainted with him for some time he always avoided me. Even so late as the 29th March he took the extraordinary step of entering and searching my private house at Noakhali, without any reference to the lady I had left in charge of it. From his reply to a letter addressed to him on the subject (Enclosures Z 11) it will be seen that he alleged both the entry and search to be accidental.

I submit to His Lordship that it is probable Mr. Geidt went to Noakhali, even as Balaam went to Balak, with every anticipation of being able to meet his patron's wishes, but that when he found what he had to do it proved too much for his stomach. The turning point is probably marked by a judgment he delivered on April 11th (the second day of the hearing of the appeal by the High Court) in a case (usually known as the Stolen Notes Case) to which I had incidentally referred in my judgment in the case of Sadak Ali and others (vide High Court's paper book, page 93 [Appendix, page 220]). This judgment of Mr. Geidt's is noticed in the "London Times" of May 23rd, which summarised it as follows:—

> "Mr. Reily has incurred the severe censure of Mr. Geidt, I.C.S., who succeeded Mr. Pennell as Sessions Judge of Noakhali, in passing judgment on a stolen note case, for suspending a police witness on a charge of giving false evidence without seeing the evidence, and solely on the report of two subordinates, one of whom the evidence implicated. Mr. Geidt found that Osman Ali, the Sub-Inspector who came in for such animadversion in Mr. Pennell's famous judgment, had altered the numbers of certain notes connected with the case, and that there were strong suspicions against Kailas Kerani, another Police subordinate."

(They mean the Head Clerk of the Police Office.)

The whole judgment is reproduced in the "Bengalee" of April 19th (Enclosure Z 12).* It will be seen on referring to it that Mr. Geidt not only developed at greater length the views adumbrated in my judgment, but expressed himself as follows:—

> "The matter ought not to end here. For the sake of the purity of the Police administration of this District, the suspicions aroused ought to be investigated, and I have dealt at such great length with each of the points in the hope that my review may assist the authorities in the conduct of that investigation. The facts brought to light lead me further to recommend that in these enquiries some experienced officer of detective ability *unconnected with the district* in the past few years should be associated."

His Lordship will now be in a position to understand what weight he should attach to the judgments of Amir Ali and Pratt J.J., either in the murder case or in that of Mr. Reily. There remain, however, one or two points in connection with the latter case as to which my action has been impeached, and which I had better, therefore, briefly notice.

I am blamed for committing Mr. Reily to jail. Now, although this is really the head and front of my offence *in India*, it is not likely much will be made of it in England; for in England the saying that the law is no respector of persons still has some living force. If I believed, as I did believe, that the man had committed non-bailable offences, the law (section 497 of the Criminal Procedure Code) expressly provides that I shall *not* release him on bail; nor is there an exception in favour of Government servants, even if white policemen. What Government really resent is the blow to their *prestige;* but I submit that the British public in such a case are likely in such a case to have just about as much regard for the prestige of the executive authorities as Sir Peter Teazle had for Joseph Surface's sentiments.

The Executive authorities in India are very anxious to impress upon the common people that rex is lex. Mr. Reily in jail was an outward and visible sign that lex is rex. It was a sign very much needed in the then state of the Noakhali District; and may not have been without its uses throughout a Province the head of which thinks it not unbecoming to excuse himself for allowing the law to take its course.

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* Not printed.

In the same breath in which he condemns me for "exceeding all legitimate limits of criticism in my observations on the conduct of the Superintendent of Police," and for "lavishing the imputation of perjury upon him," Amir Ali J. (Pratt J. concurring) says that I was myself of opinion that there was not even a *primâ facie* case against him; and that in view of this "he could not help regarding my action with the strongest disapproval." That is to say, I am first taken to task for the vigour with which I express my opinion of Mr. Reily's guilt, and then it is argued that I did not believe him guilty, or I would not have thought a preliminary enquiry necessary. Further, I am blamed for not drawing up a charge at the *beginning* of this preliminary enquiry. Finally Amir Ali J. (Pratt J. concurring) insinuates that I added the charge of forgery in order to deprive Mr. Reily of the right to bail.

In answer to these and other criticisms I beg to refer His Lordship to four articles on the Noakhali Cases (Nos. IV., V., VI., and VII.) in the "Bengalee" of May 3rd, 5th, 10th, and 15th respectively. (Enclosures Z 13, Z 14, Z 15, and Z 16.*) The articles were written by Mr. C. R. Das, a junior barrister, practising before these learned Judges. The point which I wish to make is that the ridiculous character of their Lordships' arguments was palpable to the humblest practitioner in their Lordships' Court, that their judgment was, and was felt to be, not only incorrect but dishonest. As Mr. Das says in Article VI., "We cannot help observing that an argument of this description (about not framing a charge at the *beginning* instead of at the *end* of the preliminary enquiry) serves to lend colour to the popular impression—however erroneous that impression may be, that their Lordships made up their minds to misunderstand Mr. Pennell at every step, and at every turn of this trial," while the series concludes as follows:—"Is the public to say nothing when time after time two of His Majesty's Judges in this country, in the discharge of their judicial duties, should succeed in completely misunderstanding a Sessions Judge, and should base their "strongest disapproval" on such hopeless and unjustifiable misunderstandings?"

Mr. Das has so thoroughly exposed the High Court in these articles that for the most part I need not add to his arguments. I should like, however, to illustrate by an example the sophistry by which the High Court represent that, as I thought a preliminary enquiry necessary, I could not even myself have believed in Mr. Reily's guilt.

Suppose a District Magistrate were to be assured by half a dozen respectable witnesses that they had just seen A murder B—nay, suppose even that he had witnessed the murder with his own eyes—he could not legally commit A for trial without a preliminary inquiry; before he can commit A or frame a charge preliminary to commitment, the law requires that he shall record the evidence of the witnesses in due form, and this must take time, especially if they have to be sent for. It does not follow, however, because the Magistrate is not in a position at once to charge or commit A, that, therefore, he must be held to be of opinion that there are no reasonable grounds for believing in A's guilt, still less that he is acting illegally in keeping A in custody.

As to the insinuation that I added a charge under section 466, I.P. Code, to deprive Mr. Reily of the right to bail, I would point out that the learned Judges are totally wrong in saying that section 471 is bailable. It is bailable or non-bailable according to the character of the forged documents; if the forgery itself is non-bailable, as in this case, using the forged document is non-bailable.

With regard to the merits of the charges of forgery and using a forged document, I would point out that even the learned Judges admit that Mr. Reily was guilty of an error of judgment. This point also is most aptly illustrated by an example. Suppose the Secretary of a Company makes out a cheque to me for 5 guineas for my services as Director, but I subsequently change the 5 into 500, without, however, altering the counterfoil, which happens to be out of my reach, I should, no doubt, be guilty of an error of judgment in presenting the cheque so altered, but I am afraid a censorious world would take an even more uncharitable view of my conduct, nor would the fact that I was almost certain to be found out avail me much. I should, no doubt, be allowed to offer any explanation I liked when the time came, but that time would come when I was put upon my trial. In this case Mr. Reily was entitled to offer, and would, indeed, have been asked for, an explanation after the evidence against him had been recorded, and before he was formally charged and committed to the High Court for trial.

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* Not printed.

If I had not honestly believed I was doing right in keeping Mr. Reily in jail, is it likely, I submit, that I would have refused to avail myself of the opportunity for releasing him, which the Chief Justice's telegram afforded; or that I would have wired to the Chief Justice my reasons for rejecting the application for bail, which (but for his wish to conceal his own action in the matter) the Chief Justice could have at once laid before the Criminal Bench, and so, if they considered the reasons insufficient, have obtained Mr. Reily's immediate release? Is not my action on receipt of the Chief Justice's telegram the best possible proof that I thought I was doing what was right, not what was wrong?

I have now dealt with such of the charges against me as relate to my conduct in the Noakhali cases; and trust that I have succeeded in convincing His Lordship that the strictures which the High Court passed upon me in connection with those cases are discreditable, not to myself, but to the Judges, who passed them, and the high-placed officials who first procured them to be passed, and are now making use of them to damage me.

There remain only charges of insubordination and vanity. But before passing on to these I will briefly notice certain (not so much charges, as) covert insinuations made against me by the two Governments.

In the first place the Government of India makes a great point of the publication in the press of my judgment and of certain orders. I am not aware of any civilised country in which the judgments and orders of a Criminal Court, so soon as they are delivered, are not public property, and India is no exception to the rule. The real grievance of Government is, no doubt, that whatever judgment or order I deliver the press (native as well as European) can publish without fear of consequences; my only reply is, that they can alter the law if they like, and if Parliament will let them. Both the judgment and the orders complained of were read out by me in open Court; and any pleader of my Court, or any newspaper representative, is always allowed to look at a judgment or order of mine. I have allowed this to be done ever since the time (1890) when I was Assistant Magistrate of Rangoon, and when my judgments, being of local interest, were very frequently reproduced in the Rangoon papers; and I have found such little pieces of courtesy to the gentlemen of the fourth estate to be very conducive to the most favourable construction being placed upon Magisterial sayings and doings. I consider publicity, except, perhaps, in a very few cases of sexual immorality, to be essential to judicial proceedings; I have never tried a case in camera yet, and except Mr. Bourdillon, no one has ever asked me to do so.

The Government of Bengal try to make out that the judgment, &c., appeared only in the native papers; and I presume it is with a kindred object that the Indian Government have reproduced a letter which I wrote to the Government Pleader at Noakhali, not from the Advocate of India, an English paper (published in Bombay) in which it originally appeared, but from the "Bengalee," into which it was copied.

I could hardly be blamed even if it were a fact that the English press did not reproduce my judgment; but as I suppose the insinuation is that only the native community took any interest in the case, I may point out that the Editor of the "Statesman," the most widely circulated of the English papers, wired to me for a copy of my judgment, and that either the whole or parts of it appeared in the "Statesman," of Calcutta, the "Pioneer," of Allahabad, the "Morning Post," of Delhi, the "Civil and Military Gazette," of Lahore, the "Advocate of India," of Bombay, the "Madras Mail," of Madras, and possibly in other papers, which I have not seen.

All these are leading English Newspapers. I do not believe there was a single English Newspaper in India which did not notice the case; to some of those notices I have already referred. If it had been only the native newspapers the two Governments would not be nearly so angry as they are.

The Bengal Government have complained that I brought on the record on the 31st January, 1901, the Chupra case Resolution of the Government of India as though it had been delivered to me on that day. "The Resolution (they say) was dated 18th April, 1900, and was forwarded to him on the 28th idem?" I never said it was'nt the date; 28th April is given in the Exhibit itself, so, to use Sir John Woodburn's own language, the idea that I represented it was sent me on any other date is an entire fiction of his imagination. All the other Exhibits are "brought on the record" in the same way on the days on which I first used them. All which the fact of my bringing Exhibit X 21 on the record on the 31st January indicates is that on that date I had got to the stage of my judgment marked by page 97 of the High Court paper book [Appendix, page 223]. In paragraph 6 of his letter, 123 A., Sir John Woodburn complains that no authentic copy of my judgment reached him till he got printed copies of the paper book, apparently after the 27th March. I can hardly understand the gist of this—whether Sir John Woodburn wishes to apologize for "allowing the law to take its course in respect of Mr. Reily," to which I can only say that no apology is necessary, or to blame me for the delay in printing the paper book. I have already pointed out why and by whom the printing was delayed; if the learned Judges had given the Lieutenant-Governor a copy before, they would have had no excuse for not taking up the case, for if his copy were ready, their own copies would be ready; if he wishes to blame any one for the delay he should blame them and not me.

It remains for me to deal with the charge of "habitual and designed insubordination" contained in paragraphs 11 and 14 of the Government of India's letter. It would be, perhaps, sufficient for me to point out that not a single instance of insubordination is cited prior to the Noakhali case. It would appear from this that my "habit" of insubordination was, at all events, carefully repressed by myself. No doubt the executive authorities unconsciously treat my judicial conduct in the Mymensingh and Chupra cases as insubordination, but I do not think His Lordship is likely to share that view or to consider, as Mr. Justice Pratt apparently does, that because Government pays the judicial piper, it should, therefore, call the tune.

The fact is, I would submit to His Lordship, that for a long time I have known myself to be a marked man; that I have been perfectly well aware that the smallest pretext for getting rid of me has been eagerly watched for, and that I have been proportionately careful to avoid giving any such pretext. The fact that there was one treatment for the rest of the Civil Service and another for me has been patent to all for a long time past. As Mr. Chapman told me on the 26th December last, when I handed him Exhibit X 8, "If it were any other Judge but you I would take upon myself to say you could have the one day's casual leave, but as it is you I must take Rampini's orders; and in the same envelope in which I sent the Chief Secretary the demi-official application for privilege leave, to which Exhibit X 26 is a reply, I thought it necessary to enclose a private note, of which enclosure Z is a copy.

If the Government of Bengal is unable to specify a single instance of my insubordination before the Noakhali case, I would submit that the charge of *habitual* insubordination must fall to the ground. And as to the charges of disobeying Sir John Woodburn's orders in connection with that case, I beg to state that I admit the disobedience, but that my submission to His Lordship is that the disobedience was a duty; that so long as submission to tyranny affected myself, I submitted, but when I felt that Sir John Woodburn was simply abusing his position as my superior to defeat the ends of justice, I considered that my duty to him was overruled by a higher duty, by that of securing, as far as in me lay, that justice should be done.

There was no possible reason, except Sir John Woodburn's private interest, for refusing to allow me to come to Calcutta during public holidays.

As for the order to return to Noakhali, given me on the evening of the 3rd March, I have already pointed out that if I had obeyed that order I should have had to take back the record to Noakhali with me, and thereby have not only frustrated the object of my visit, but disregarded the expressed wishes of the Chief Justice.

As to the charge of declining to make over the record on the 4th to the Officiating Registrar, I have already pointed out that the two Governments do not profess to know anything about this except what the High Court has told them, and that the High Court have declined to proceed with the charge; further, that charge is untenable for reasons already stated. The second order to return to Noakhali was given not on the 5th but on the 4th in the same letter which suspended me. It was necessary that I should remain in Calcutta to make over the record; if I had taken it away with me to Noakhali I should have given colour to the charge of not wishing to deliver it up; moreover, as soon as I was suspended, the Lieutenant-Governor had absolutely no excuse for directing me to go to one place rather than another. If he meant to give me any further orders, I would receive those orders sooner at Calcutta; while he knew that I was in bad health, and that staying on in Noakhali would make me worse. The real reason why the order to return to Noakhali was given has already been stated—it was to prevent Sir Francis Maclean's proceedings from coming to light. Even apart from the question whether, after suspending me, Sir John Woodburn had any right to order me to go to one place rather than another, I could not possibly return there leaving the record in my hotel, and taking it back to Noakhali would have been construed as disobedience of the High Court. I have already stated how I hurried off to the High Court on the 6th March, to avoid arrest. Even after I made over the record of the murder case I was still left with another, that of King Emperor *v.* Reily, for which the High Court had issued a rule returnable on the 9th March. I did not know what to do with this record; ordinarily I should have made it over to my successor, but Government had not appointed any successor, and if I had gone back to Noakhali with it on the 7th the High Court could not possibly have got it on the 9th or for some days after; I, therefore, got my Sheristadar and clerks, who treated my wishes with the same respect as they had formerly shown to my orders, to page and index this record, and to give me certified copies of the Chief Justice's telegram and other papers contained in it, and on the afternoon of the 8th March, the day before the rule fell due, took it to the High Court and tendered it to Mr. Sheepshanks, the Officiating Registrar, with a letter of which Enclosure Z 17 is a copy. The Registrar referred the matter to the Criminal Bench, and under their orders took it over and gave me a proper receipt; I was still without a proper receipt for the main case (which I eventually got on the 13th), but did not stay in Calcutta for it, as on the evening of the 8th my health, which I had represented on the 28th February to be bad, completely gave way, and on the 9th I went to Kurseong, the nearest hill station to Calcutta to recuperate; I ultimately returned to Noakhali, not, as the Government of India say, in order to receive a public ovation, but in order to break up my establishment, pack up my things, and try and dispose of any furniture—I could not help people turning out to see me—as I have already remarked, one has to arrange days beforehand in order to get over the 26 miles between Feni and Noakhali. I do not quite know whether the Government of India, by political demonstration, refer to my entry into Noakhali or to the fact that a tea party was given in my honour before my departure. If the latter, I would say that such tea parties, attended with theatrical performances, are almost always given at Noakhali when a European resident goes, and that I myself subscribed Rs. 25 to Mr. Cargill's tea party in May, 1900. My party was, no doubt, more numerously attended, but that may be due to the fact that I have more friends, and that those friends, unlike some gentlemen in Calcutta, were anxious to show that the fact of my being in disgrace with Government made no difference to them. An allusion was made to my misfortunes in the theatrical performance, but it was only to the effect that "King Edward" would put everything right—a sentiment to which I submit the Government of India cannot object. As for the tea party being intended as "a political demonstration," I think it sufficient to point out that Mr. Geidt gave the Munsifs and ministerial establishment leave to attend it, and that it was attended by all the European non-officials in Noakhali except the Roman Catholic Priest, who stayed away, as he explained in his letter (Enclosure Z 18) merely because he had reason to believe that Mr. Cargill would make his parishioners suffer for it if he attended. It may not be inappropriate for me to add that Father Français (who is a gentleman by birth, and old enough to be Mr. Cargill's father) afterwards came and told me that the day before Mr. Cargill had treated him as Sir Francis Maclean had treated me, for no other reason than that he had been seen to visit my house.

The Government of India next complain of my communicating papers to the press. Why they should object to their own communications being published, unless that they are ashamed of them, I do not know, and if the language of my communications is improper, their publication will only turn public opinion to the Government of India's side. So far as I know I have not divulged any state secrets, and as for attempting to influence public opinion, I would point out that I have only followed the example which the Bengal Government has itself set me. I have previously referred to the inspired paragraph in the "Englishman," and the official communiqués sent to the press on the eve of the contemplated coup d'état. As the facts became known Government has thought it hopeless to attempt to influence the Indian press, and with the exception of occasional inspired paragraphs in the accredited Government organ, the Allahabad "Pioneer," nothing appeared till quite recently. I see from Indian papers lately to hand that as soon as His Lordship sent me the Government of India's letter the fact that the papers had been sent home was communicated to the press. I would further point out that the references to the case in the "London Times" have not been made at my instance, and that a comparison of dates will leave little doubt that the information was supplied by the Indian Government. To give a single instance, no one but the Government of India could have informed the "Times" by April 22nd of the rejection of my first memorial. They got the information before any letter from me could have reached London.

If I have sought to influence public opinion by communicating some of the papers of the case to the press, I have but followed the example already set me by Government. As I remarked in the Chupra Case of Messrs. Corbett and Simkins' treatment of Narsingh Singh, their case appears to be that they can do anything they like to *me*, but that I must do nothing to them. The only difference between my action and theirs is that I have communicated to the press nothing but official papers—they have communicated incorrect versions of matters of fact.

Next, the Government of India complains of my instructing the Government Pleader at Noakhali as to the conduct of the case before Mr. Geidt. I would point out that after my suspension I ceased to be a Judge and became a private individual. My position does not require me to adopt the disinterested attitude affected by the Government of Bengal and the Government of India. They may pretend that they were not interested in the result of the trial, but it is not necessary for me to do so. They and I were just as much upon our trial as the accused, both in the High Court and before Mr. Geidt. I may further point out that the Government of India's abhorrence of my instructing counsel in the case was not shared by the Bengal Government's late Legal Remembrancer, nor, apparently, by the Government of Bengal. Mr. B. L. Gupta, who but a few days before had been promoted from the Legal Remembranship to a seat on the High Court Bench, told me on April 12th that he saw no harm in my instructing Mr. Leith, the Deputy Legal Remembrancer, who was appointed by Government to support the conviction, but seemed to me to be taking no trouble about the case, and authorised me to inform Mr. Leith (who, till a few days before, had been his immediate subordinate) accordingly. I went to the Bengal Club to see Mr. Leith, and as he refused to see me, I went to Mr. Buckland, the Chief Secretary, and at his request reported to him in writing, for such action as Government might think necessary, the opinion of Mr. Gupta and the conduct of Mr. Leith. The result was that a demi-official letter from Mr. Buckland was brought to Mr. Leith in Court, and that the latter gentleman, who heretofore had ignored me, made a pretence of consulting me, and afterwards made a false excuse for his refusal to see me in the morning. From this I venture to infer that the Bengal Government were not prepared to differ from Mr. Gupta as to the propriety of my instructing Counsel in connection with the case.

The Government of India complains of the nature of my instructions. It is natural enough they should not like them. It was not to their interest that the case before Mr. Geidt should end as it has; it was to mine.

Finally, the Government of India complain of my leaving India without obtaining permission—they call it " desertion." If the Government of India believed that I knew before that permission was required, why should they direct me to be informed of it at the last moment? Why did they not tell me I was not to leave India? Or wire to me at Aden to return?

Do they say that they have ever told me to return? Or that I have attempted to conceal my whereabouts?

They think it absolutely inconceivable that I should imagine myself at liberty to leave India when they decline either to employ me or pay me. As I have said all along, I considered their intimation as meaning that they wished me to make a formal application for permission so as to save their face.

What reason do they assign—can they assign—for their unwillingness to let me go? From the Bengal Government letter, No. 299 A.D., dated the 19th May, it appears that the Bengal Government would not have given me permission, and that they attribute my failure to perceive this to loss of mental balance. It will be seen from these papers that the Bengal Government had already, on the 9th May, recommended my dismissal; that they had neither given me a hearing, nor proposed to give me a hearing; and that they had kept back both my memorials to His Lordship.

The Government of India do not even allege that they intended to give me any hearing. The case of His Lordship's subordinate Governments appears to be this, that they will neither employ me, pay me, nor allow me to take up other employment; that they need neither hear me in my defence, nor inform me with what I am charged; that they may concert schemes to ruin me behind my back, and propose that I should be dismissed without a hearing; they they are to be at liberty to keep back any representation which I may make to His Lordship till it suits their book to send it on; and that I am to wait in India till their plans are consummated, and I receive orders of dismissal. If I object to this, they accuse me of loss of mental balance. I submit that the only misapprehension of which I have been guilty is in thinking that these authorities have any sense of decency or of common fairness between man and man; that under the circumstances stated, ordinary prudence dictated that I should take a single ticket to Europe while I still had the money to do so; and that the real reason of Lord Curzon's foaming at the mouth is that by coming home I have forced his hand, and upset all his plans.

I have reason to believe that Lord Curzon's own intention was to compromise this case; not to give me a public hearing, which would enable me to make the disclosures I have now made, but to come to terms with me *some how.* This would have not only avoided these very awkward disclosures, but would have gained Lord Curzon some cheap popularity, as in the Chupra case, with that very numerous class of mankind who do not look beneath the surface. Mr. P. Stuart Hogg, a member of the mercantile community, who wrote to Sir H. Campbell-Bannerman about this case as far back as March 24th, informed me early in May that he had himself seen a minute in Lord Curzon's own handwriting, dated eight days previously, in which he advocated that I should be reinstated and compensated. Of course, now that I have crossed the Rubicon there is no further motive for conciliating me; and the nicely-balanced articles in the " Times " have accordingly ceased.

I am accused of a wilful desire to provoke removal from the service of which I am a member. (I suppose the last six words are added for the sake of euphony only.) If to protest against such removal by every means in my power is provoking it, then I must plead guilty; otherwise not. I am, indeed, aware that to protest against the injustice of a superior is regarded in India as the most heinous offence of which a subordinate can be guilty; but I hardly expected to see the principle so unblushingly avowed.

Lastly remains the charge of vanity; that I am so deluded by a morbid, and sometimes malignant, vanity, which has become the irreclaimable habit of my character, that I can no longer be employed to the advantage of Government in any capacity. To a general charge like this I can only oppose a general denial. The two Governments say I am a monster of egotism; I, on the other hand, say that I am a very insignificant person, and that if I differ from others in my position it is only in the fact that I appreciate my insignificance, and do not think that the world will come to an end if I cease to draw £2,000 a year.

In saying this I do not wish to detract from the importance of this case, but merely to point out that I am the most insignificant part of it. Such importance as I have in the world has been conferred upon me by His Lordship's subordinates; it is the result of their treatment of me. As I saw it put in a native vernacular paper, before the Chupra case, who knew or cared about Mr. Pennell? As was said of another Englishman 250 years ago, " Till this time he was rather of reputation in his own country than of public discourse of fame in the kingdom; but then he grew the argument of all tongues, every man inquiring who and what he was that durst, on his own charge, support the liberty and prosperity of the kingdom." If I am important now, it is because I stand for certain principles which His Lordship's subordinate Governments are endeavouring to trample under foot. No man, however insignificant in himself, is unimportant when he represents the liberties of a nation.

The Government of India resent my "political homilies;" but at the risk of incurring like reprobation from His Lordship, I venture to reproduce here an extract from an article (purporting to be written by an Indian civilian) in the "Times" of India, which not only puts the whole situation in a nutshell, but very accurately indicates the way, and the only way, in which my personality is of any public importance:—

> The issues on which the verdict of the High Court in the first place and of the public as the last and greatest tribunal is sought can now be disentangled. The main issue is a political one, as indeed all great social and administrative issues are. It is substantially the same issue as had divided publicists into two camps since first we essayed to rule the peoples of India, and of which the Ilbert Bill discussions were but a single manifestation. It is beside our present object to do more than sketch the nature of the division; nor do we seek to champion either party. Starting from a common base in the obvious fact that we have acquired the Empire of India, mainly by conquest and the forces of superior civilization and character, the parties divide according to their moral, social and political bias, and take divergent views of the proper aims and methods of our rule. To the one school, the native inhabitants are as sheep to a shepherd, whom he desired to protect from the calamities of peace and of war; so that waxing fat and multiplying in prosperity by a farsighted calculation the well-being of the flock may yield the maximum of profit to the shepherd. But they are ever to remain sheep and ever inferiors. To the other school, they are as children weak, foolish and unfit to rule, but always capable of growing up under a wise and sympathetic training into men and equals. To the one party the great gulf is ever fixed; to the others, it is ever being bridged. The one is content with subjugation: the others seek further to incorporate. Though these two policies each command adherents among men worthy of respect, officially and publicly, the British administration is pledged to the policy of incorporation, not only by the Delhi Proclamation, but by the constant tenor of all our declarations.
>
> It makes a whole world of difference from which point of view we accustom ourselves to regard the relations of our officials to our native subjects. The Anglo-Indian official is peculiarly exposed to the temptation of mistaking his position of a public servant for that of a master. He adopts this attitude not only to the natives, but in some measure also to his non-official compatriots. He ceases to be the minister and develops into the despot and part-owner of his charge, responsible to the inner hierarchy of the official world, and not to the public, for his actions. He is so placed as often to lose that sense of self-restraint and self-appreciation which would enable him to recognise his true position as schoolmaster in the scheme of empire, training up for the British nation its future

citizens. He is responsible for them to his employers, and his powers over them, though great, are not arbitrary and unlimited; and he may not subordinate the interests of his charges to those of himself and his fellow servants. India is rich in examples of both theories. For him who regards our native subjects as mere sheep and chattels it is impossible to practice the theory of their equality before the law with ourselves. When a native is rude, it is to him perfectly right and natural to knock him down and thrash him, and it is absurd to suggest that the Englishman who does so should meet with the same treatment as if he committed a like assault on a compatriot. A Judge who persisted in the opposite view, and gave vehement publicity to his opinions, would have to be visited with some mark of authoritative displeasure. Similarly to suggest that the evidence of a white official should be weighed in the same scales with that of a native, or to hold that he might even be made amenable to the same law of perjury, would be such an insult to the official world as to justify the intervention of superior authority. It would be less heinous for a white Superintendent of Police to conduct himself disgracefully in a murder trial than for an outspoken Judge to wound by his comments the pride of the dominant race.

The situation can be well illustrated by a parable. Suppose a bank whose shareholders entrust the management of their capital wholly to their paid directors. Suppose, further, that the directors be allowed such latitude as in time to persuade themselves that the bank assets are their own. In these circumstances it is found that one of the paid directors has appropriated to his own use a sum from the bank till. The other directors regard it as a small matter. After all, they are, in practice, owners; and it seems absurd to prosecute a fellow-director as they would any outsider. They seek to hush up the matter. But the cashier refuses to falsify his balance-sheet, and insists that the true state of things shall be presented to the shareholders. The directors regard his refusal as insubordination and gross impertinence, and send him to another branch. But the cashier will not submit. At last, when it is imminent that the shareholders will take the matter up, the directors compel their colleague to make tardy restitution, and reprimand those of the staff who were privy to his dishonesty. But this is known to be mere eyewash, and in course of time the reprimanded officials rise to higher positions, while the obstinate cashier meets with the treatment to be expected by a man the directors dare not dismiss for fear of the shareholders, but who is not the kind of subordinate it suits them to have. In this parable the public of the Empire are the shareholders, the Bengal Government are the directors, and the declared rights of the Indian subject are the cash, and Mr. Pennell is the cashier. We now see at a glance the questions which, as shareholders, the public have to decide. The attitude of the directors to the cashier is important and relevant only as a gauge of their attitude to the cash entrusted to their charge.—*The Times of India.*

I would humbly remind His Lordship that the case now before him raises many questions of great public importance which it is no longer possible for him to pass over, and that what he may do with me is but a side issue.

As, however, it is the only issue with respect to which I can expect to be consulted, I may be allowed to adduce certain general considerations which should, I submit, weigh with His Lordship against the adoption of the course proposed by the Government of India, which is that I should be dismissed without either pension or any other compensation.

First, from my personal point of view, it will, I think, be conceded that Government Service differs in certain very important respects from service under a private employer. It would be well within the rights of the latter to dismiss a servant after 16 or 18 years' service for no better reason than that he did not want him any longer: but the private employé has known all along what he had to expect, and his wages have been regulated accordingly. A Government servant is content to accept lower pay because he thinks he gets a certainty; he has a more assured position and a pension to follow. The pension of a Government servant, I submit, is nothing more than deferred pay; it is held out to him at the very outset as one of the considerations for his service. In the case of Indian Civil Servants, like myself, it has further to be borne in mind that we have to contribute towards our pensions, a certain proportion of our pay being automatically deducted for that purpose.

There is the further consideration that Government Service is of a special character; that a servant dismissed by one private employer can get the same sort of employment under another that a Government servant cannot. Such knowledge and experience as I have acquired since I entered the service, including the greater part of my studies at the University, is useful to me in Government Service; makes me a more valuable public servant; but is not the sort of knowledge that any private employer will pay for. Even my spare time in India has been mainly devoted to the study of Oriental languages, a knowledge of which is very useful to a Government servant, but which has little or no commercial value.

I would point out that though I am now accused of incompetence, I was considered to be of good abilities when I entered the Service. I took two first classes at the Universities, one in Latin, at London, in 1882, and another in Jurisprudence, at Oxford, in 1886. In the latter year I also gained the Boden University Scholarship. Between 1882 and 1885 my time was entirely devoted to studies in connection with the Indian Civil Service, but even in these I showed the possession of at least ordinary ability. In 1883, at my first attempt, I passed first at the Open Competition, obtaining what were then the highest marks on record. In 1885 I passed first at the Final Examination. I obtained a prize for Hindustani at one of the Intermediate Examinations (at which I also stood first), and prizes for Law and Bengali at the Final Examination.

From these facts His Lordship will see that in my younger days, at all events, I possessed abilities which, if I had taken up any other employment than Government Service, I might reasonably have expected to secure me, at least, a modest competence. Nor is it alleged against me that I have shown myself wanting in industry or application, or that I have been guilty of any moral depravity, except of a highly technical kind. No one says that I am a drunkard, or a gambler, or licentious; the most that is alleged against me is that I am vain.

I was 17 when I competed for the Indian Civil Service; I am now 36. If the course proposed by the Government of India be adopted—18 years, and those the best years of my life, will have been thrown away.

Further, I would submit that before entering Government Service I had to undergo two medical examinations, and it is to be presumed, therefore, that I was then of average health and strength. The three medical certificates filed in the Noakhali case (Exhibits X 34, X 35, and X 36), and the letter from Major Charles (Enclosure Z 2) will show that this is not now the case, but that I suffer from an acute and painful disease, the attacks of which are marked by "intense headache and prostration, lasting from 24 to 48 hours." This disease has not only been contracted in Government Service, but is the direct result of the action of His Lordship's subordinate Governments, who admit that they know I need a dry climate, and then proceed to station me in the dampest districts they can find.

I think I may fairly plead that when I have spent my youth, and lost my health in Her late Majesty's Service, some more solid reasons than any the Government of India has adduced should be required before turning me adrift as they propose, with my living to earn, a shattered constitution, and a stigma connoting moral depravity to my name.

The charges against me for a period of 16 years are, briefly, that I thrashed a man in 1893; that I made a high official very angry in 1894; that I did an act of justice in 1899; and that I tried to do another in 1901; to which I may add that but for the third and fourth His Lordship would never have heard of the first and second. To dismiss me on such pretexts would, I submit, be nothing less than a crime.

His Lordship will misunderstand me if he thinks that I am appealing *ad misericordiam.* I do not ask him to be generous; my only prayer is that he should be just. I seek justice, not compassion or consideration—not even the compassion or consideration of Sir John Woodburn.

And I think it is now time that I should recall to His Lordship that, before the Government of India brought all these charges against me, I had brought certain charges against them; and that there is a claim of mine to be met, not merely for reinstatement, but for substantial compensation; a claim set forth in the memorial enclosed with the Government of India's letter. And I would respectfully submit that in estimating that compensation His Lordship should not forget the way in which I have been treated on account of preferring the claim. For my case is the case of Narsingh Singh, of Chupra, over again.

And if I conclude by adverting to certain considerations of expediency, I would humbly ask His Lordship to bear in mind that their introduction has no personal reference to himself; that for all I know Lord George

Hamilton may be perfectly ready to dispose of these matters on the merits; but that I know nothing of him, and that whether rightly or wrongly I believe that the merits are not the only, nor the chief, consideration which the average politician takes into account.

Logically, there can be no question that the alternative before His Lordship is whether he shall get rid of me, or of Sir John Woodburn, Sir Francis Maclean, and Lord Curzon of Kedleston. And as His Lordship is not at all likely to do the second, nor, do I suppose, is he prepared to deny the major premise, that if these three officials are in the wrong they should go; the only course left is to deny the minor premise, viz., that they are in the wrong. And the solution which would almost inevitably suggest itself, I do not say to His Lordship, but to a good many Secretaries of State, would be to direct the Under Secretary, or some other subordinate, to make out the best case he can for getting rid of me. The conclusion once regarded as inevitable, all that remains is to find reasons for it.

This being so, I think it as well to suggest that perhaps the conclusion may not be inevitable. For my case is, not that Sir John Woodburn is a liar, but that he has lied so clumsily and inartistically as to be found out; not that Sir Francis Maclean is a sycophant, but that his sycophancy has been so thoroughly exposed that for the future he will be a source of weakness, and not of strength; not that Lord Curzon is a hypocrite, but that he is a hypocrite unmasked. And public attention in India has been so focussed upon this case that I submit some doubt may reasonably be felt whether even for "the greater prevention of scandals" the most obvious course will necessarily be the best.

The policy of sitting on the safety valve has not proved so successful in the Chupra case that any one need be too ready to repeat it. Whatever is done to me, there remains the question of what should be done with the people I have exposed. The dilemma which confronted the High Court confronts His Lordship—the only difference is that some other people now stand by Sir John Woodburn's side.

When objection was taken before Mr. Geidt to one of the assessors, on the ground that he had talked over the case, Mr. Geidt rejoined that he did not believe there was an educated man in Bengal who had not talked over it. And what applies to Bengal applies, in not much less degree, to the rest of India.

On most of the questions I have raised, the Indian public have long since made up their minds, nor are their opinions in the least likely to be changed by anything except fresh evidence. The publication of the present correspondence will, to say the least, do my cause no harm with them. His Lordship's action on the materials now before him may affect their opinion of His Majesty's Government, but will certainly not affect their opinion on the merits of the case.

The Government of India, and the Government of Bengal, represent me as a malignant monster, ready to make the foulest charges, to utter the most malicious slanders, to tell any lie, for the gratification of my morbid vanity. They are under the necessity of saying such things. But their opinion of me is not shared by the public at large.

To their denunciations I will oppose but one single testimony—from one to whom, at the time, I was personally unknown, and who has avowedly formed his opinion of me from the same materials from which such very different inferences have been drawn by His Lordship's subordinate Governments. It is contained in a letter to myself from Mr. David Yule, published in "Capital," of March 28th.

> "Your judgments," he says, "lead me to infer that you would be the last man in the world to allow anything you may have said in error to go uncorrected."

Mr. Yule is the leading merchant in Calcutta.

To adopt the course proposed by the Government of India will be worse than a crime; it will be a blunder.

I am, &c.,
(Signed) A. Pennell.

Enclosure A. to No. 5.

No. of Application. (1)	Name of Applicant. (2)	Date of Application. (3)	Description of the Documents. (4)	Certified. (5)	Uncertified. (6)	No. of Folios Used. (7)	Date of Preparation. (8)	Date of Delivery. (9)	Remarks. (10)
1	Basanta K. M.	1901. Feb. 16	Petition and Orders	3	—	5	1901. Feb. 16	1901. Feb. 16	
2	" "	" "	Proceeding and Warrant	1	—	2	" "	" "	
3	Mohim Ch. Moarumdz	" "	Proceeding and Deposition	—	2	10	" 22	" 22	
4	Krishna Ch. Bhadra	" "	" " "	—	2	18	" "	" "	
5	Rojoni Kanta Bose	" "	Deposition	—	—	322	" 28	" 28	
6	Basanta Kumar Sen	" "	Judgment	—	1	342	" 27	" 27	
7	Basanta Kr. Sen	" "	Deposition	1	—	50	" 21	" 21	
8	Islam Manji	" 19	Proceeding and Charge Sheet	—	1	3	" 22	" 22	
9	Chand Myah	" "	" " " "	—	1	3	" "	" "	
10	Oli Manji	" "	" " " "	—	1	3	" "	" "	
11	Mahamed Amjad Myah	" "	" " " "	—	1	3	" "	" "	
12	Krishna Lal Naj	" 22	Proceeding	1	—	2	" 23	" 23	
13	Radhakanta Aich	" "	Deposition	—	3	19	" "	" "	
14	Krishna Ch. Bhadra	" "	"	—	1	6	" "	" "	
15	Basanta Kumar Sen	" 23	Map	—	2	—	" 28	" 28	
16	W. G. Reily	" 25	"	—	1	—	" "	" "	

(Signed) J. C. Ghosh, Hd. C. C.

Enclosure B. to No. 5.

Letter from the Assistant Registrar of the High Court of Judicature at Fort William, in Bengal, to the Sessions Judge of Noakhali, No. 951, *dated Calcutta, the 4th March,* 1901.

SIR,

HIGH COURT.
Criminal.
PRESENT—

The Honourable Mr. Justice Ameer Ali and the Honourable Mr. Justice Pratt, two of the Judges of the Court.

The King Emperor *v.* Sadak Ali and others. Accused convicted under Section 302 Indian Penal Code and sentenced by the Sessions Judge of Noakhali on the 15th February, 1901.

The Court having, on a review of the Sessions Statement of the division of Noakhali for the month of January, 1901, been pleased to call for the record of the case noted in the margin, I am directed under Section 435 of the Code of Criminal Procedure to request that you will deliver the record now in your possession to Mr. Sheepshanks, officiating Registrar of this Court, forthwith.

I have, &c.,
J. LEWIS,
Assistant Registrar.

Enclosure C. to No. 5.

MY DEAR PENNELL, 4, Middleton Street, March 2.

WILL you come and dine with us to-morrow (Sunday) at 8.15, and if your sister is with you I hope she will forgive the want of formality in this invitation and come too.

Yours, &c.,
E. P. CHAPMAN.

Enclosure D. to No. 5.

Affidavit.

I, Mabel Florence Pennell, do hereby make oath and say:

1. That on the evening of the 2nd March my brother, Aubrey Percival Pennell, received from Mr. Chapman an invitation to dinner on the evening of the 3rd March.

2. That yesterday Mr. Chapman called at the Hotel Continental and saw me between the hours of eleven and twelve o'clock, and after staying some time went away. Mr. Chapman, on saying good-bye, said "I must go and look your brother up. I want to see him about some records."

3. That later on in the afternoon my brother showed me a letter from the Chief Justice, of which Exhibit A. is a correct copy.

4. That later on my brother showed me a note which he was sending to Mr. Chapman to the effect that my brother and I did not want to compromise Mr. Chapman, and would like Mr. Chapman to say if he would prefer we did not dine with him.

5. That we dined last night with Mr. Chapman.

6. That my brother has informed me that he has been, this morning, to see Mr. Chapman, and that the latter declined to admit, in writing, that he ever came to see my brother at all. My brother has, therefore, requested me to swear this Affidavit.

MABEL FLORENCE PENNELL.

The declarant known to me:

C. M. GUHA,
Judge's Court, Noakhali.

Exhibit A.

March 3, 1901.

The Chief Justice of Bengal is unable to see Mr. Pennell, and desires that any communication he may wish to make should be made to him through the Registrar of the High Court.

MABEL FLORENCE PENNELL.

Solemnly affirmed before me this day:

R. K. SARKAR,
Commissioner of Affidavits.
Judge's Court, Alipore, March 4, 1901.

Enclosure E. to No. 5.

MY DEAR PENNELL, 4, Middleton Street, March 3, 1901.

YOU don't, I presume, regard my invitation to dinner this evening as in any way authorising you to disregard any order which the Government may pass in the matter of your remaining in Calcutta without leave. I should like to know that your coming to dinner will not interfere with your returning at once if you are ordered to do so.

Yours, &c.,
E. P. CHAPMAN.

I don't know when the trains go.

Enclosure E. 1.

MY DEAR PENNELL, March 3, 1901.

PLEASE come and dine with your sister.

Yours, &c.,
E. P. CHAPMAN.

Enclosure F. to No. 5.

Affidavit.

I, Chandra Mohan Guha, son of Ram Kumar Guha, deceased, Serishtadar, Judge's Court, Noakhali, at present residing in Hotel Continental, Calcutta, do hereby solemnly affirm that yesterday, at about 3.30 p.m., I accompanied Mr. Pennell, District and Sessions Judge of Noakhali, to the house of the Chief Justice of the High Court, Calcutta (No. 14, Loudon Street). We took the Records of the Sessions case, Empress *v.* Sadak Ali and others, with us, and the Sessions Moharir Ali Hyder was also with us. Mr. Pennell sent one card first, and then another card with something written on it. A letter came, but no interview was allowed.

I do hereby affirm that the above statement is correct to the best of my knowledge.

CHANDRA MOHAN GUHA,
Serishtadar, Judge's Court, Noakhali.

Dated, Calcutta, March 4, 1901.

Enclosure G. to No. 5.

Affidavit.

I, Ali Hyder, son of Munshi Aliazzaman, deceased, Sessions Clerk, Judge's Court, Noakhali, at present residing in Hotel Continental, Calcutta, do hereby solemnly affirm that yesterday, at about 3.30 p.m., I accompanied Mr. Pennell, District and Sessions Judge of Noakhali, to the house of the Chief Justice of the High Court, Calcutta (No. 14, Loudon Street). We took the Records of the Sessions case, Empress *v.* Sadak Ali and others, with us, and Serishtadar of the Judge's Court, Noakhali, Babu Chandra Mohan Guha was also with us. Mr. Pennell sent one card first, and then another card, with something written on it. After a long delay a letter came, but no interview was allowed.

I do hereby affirm that the above statement is correct to the best of my knowledge.

ALI HYDER,

Sessions Clerk, Judge's Court, Noakhali.

Dated, Calcutta, March 4, 1901.

Enclosure H. to No. 5.

(Private.)

MY DEAR PENNELL, Rangoon, December 23, 1894.

I HAVE received the copy of your letter with form O/O, F., 19th (it only came last night). I think that will be all that is necessary, and that you will be able to get away very soon now. There was no harm in your asking to go to Moulmein, and I had no hesitation in putting up the matter for orders, but you will, no doubt, understand it was necessary to ascertain first whether all points under reference had been cleared up to Commissioner's satisfaction, and orders complied with. It would not have done for you to leave and then to find that something had been overlooked, necessitating your return. You will find the Chief Commissioner not at all obdurate, I am sure, and you will have noticed, I hope, with pleasure, that he gave you credit publicly for the really excellent results you showed as regards crime. I am only sorry that the unfortunate business should have happened at all, and spoilt the end of your stay in Burma, which began, I hope, not unpleasantly. With best wishes for the New Year.

Yours, &c.,

H. THIRKELL WHITE.

Enclosure J. to No. 5.

Chief Secretary's Office, Rangoon,

MY DEAR PENNELL, January 23, 1896.

ORDERS on your claim were passed a little while ago, and are doubtless on the way to you. So far as I remember these were favourable, but it was a Revenue Secretary's case. I will see that the orders go to Scott, if not already issued. Very glad to hear that you are flourishing in Bengal. (I expected no less), and hope to see you as you pass through. I dare say you heard that a Throngwa Thugyi distinguished himself lately by stabbing McKinnon—recently joined civilian. It was a bad job (so to speak), but McKinnon's doing all right, and is now so far as can be seen out of danger.

Hope you will have a pleasant furlough. I shall probably be home either for short or long leave some time this year, and we may meet.

Yours, &c.,

H. THIRKELL WHITE.

Enclosure K. to No. 5.

(Confidential.)

From Mr. A. P. Pennell, Deputy Commissioner, Maubin, to the Commissioner of Irrawaddy Division, Camp Myaungmya, dated Maubin, General Department, No. 3790/*P., the* 6*th of December*, 1894.

In reply to your endorsement, No. 1/2, C. 21, dated 3rd December, 1894, conveying the orders of the Chief Commissioner placing me under suspension, I have the honour to say that I withdraw my letter, No. 2273/1, dated 19th October, 1894.

2. Further, that I apologize to Mr. Thirkell White, Chief Secretary to the Chief Commissioner, for any statements contained in that letter in any way reflecting upon himself. It has now become abundantly clear that certain imputations which I made against Mr. White are, in point of fact, untrue, and this being the case, I desire to express my extreme regret for having made them.

3. In the withdrawal of my letter the withdrawal of the charges therein made against Mr. Carstairs is included. I do not desire to press any of those charges.

4. The grounds on which I suspended Mr. Carstairs were that he refused to go to the jungle, and that the reason which he put forward for the refusal was, in my opinion, insufficient.

My opinion was based upon—

1. My own observations of Mr. Carstairs' condition on the day in question, and for some days previous.

2. The unsatisfactory nature of the medical certificate which he produced.

3. The fact that he had previously evinced great reluctance to do field work. I considered, as a matter of fact, whether my opinion was justified or not, that Mr. Carstairs was malingering, and in deciding how to deal with his real or supposed malingering I was much influenced by my belief, based partly on personal observations, partly on the reports of others, that Mr. Carstairs was in every respect a very bad bargain as a Government Officer.

5. I do not now say that Mr. Carstairs was malingering, nor do I say that he is a bad bargain. I merely say that these were the reasons which I had for suspending him.

6. In the letter from the Chief Secretary, of which a copy is forwarded with your endorsement under reply, an explanation of my conduct is called for. I presume that this refers to the charge of disobedience to use (*sic*) the orders contained in the Chief Commissioner's Note. The order to reinstate Mr. Carstairs was at once carried out. The reason for my failure to comply with the remaining orders conveyed in the Chief Commissioner's Note was that it contained some very opprobrious charges against myself, which, as it is marked confidential, I am unable to refute, or even to detail. I feared that compliance with orders conveyed in such a manner might be ascribed to a consciousness of the justice of the charges which accompanied them.

7. The Chief Commissioner has alluded in the Note to which I refer to the fact that I am, or have been, in a state of nervous tension. This being so, I trust that it may not be thought inappropriate if I point out that during the past two years I have had somewhat more than the usual share of trouble and anxiety, and that the administration of the Thongwa District under present, and still more under past, circumstances has imposed a severe strain upon my physical strength. It may well be that certain of my actions which, at the time when I performed them, or even now, seem to me right and proper, may hereafter appear in a different light. But be that as it may, I trust that the Chief Commissioner will bear in mind, when considering my conduct, that he is considering my conduct under abnormal conditions.

I have, &c.,

A. PENNELL, C.S.,

Deputy Commissioner.

Enclosure L. to No. 5.

GENERAL DEPARTMENT, No. 201/2/C. 21.

(Complaints.)

Dated, Myaung, 9-18 of December, 1894.

Copy of the following, and its enclosure in original, forwarded to Mr. A. P. Pennell for information and guidance.

G. L. WEIDEMANN,
Officiating Commissioner of the Irrddy. Division.

Letter from the Chief Secretary to Chief Commissioner to the Commissioner of Irrawaddy, No. 517/7/*C.* 29, *dated the* 14*th December,* 1894.

I am directed to return the enclosure of your letter, No. 74/2/C. 21, dated the 8th December, 1894, and to request that it may be returned to Mr. Pennell with the intimation that the Chief Commissioner cannot receive his explanation unless it is couched in temperate and respectful language. Paragraph 6 of the letter is an aggravation of Mr. Pennell's original offence.

2. I am to observe that there is no record in this Office to show that my letter, No. 873/7/C. 29, dated 26th October, or the Chief Commissioner's Note therein enclosed, was marked "confidential." If either of these papers was so marked it was a clerical error, which I am to request you to correct. Except in so far as he has desired to spare Mr. Pennell needless exposure, there has been no wish on the part of the Chief Commissioner to treat his orders, in this case, as confidential.

I have, &c.,
H. THIRKELL WHITE,
Officiating Chief Secretary.

True Copy.
MAUNG PE NE,
Clerk,
Irrawaddy Commissioner's Office.

Enclosure M. to No. 5.

To COMMISSIONER, Irrawaddy Division, No. 4083/P.

(Confidential.)

SIR,

I HAVE the honour to solicit a reference to the correspondence ending with my letter, No. 3790/P., dated December 6, 1894, concerning my suspension.

2. It has been pointed out to me that paragraph 6 of that letter, which contains my explanation of my failure to carry out the Chief Commissioner's orders, is insubordinate and improper. As it is out of place for me to comment upon the Chief Commissioner's conduct, or the manner in which he conveys his orders, under these circumstances I apologize for having written that paragraph, and solicit permission to withdraw it.

3. I have nothing further to urge by way of explanation or extenuation of my conduct, and all that remains for me to do is to submit myself to the Chief Commissioner.

(Sd) A. P. PENNELL,
19th December.

Enclosure N. to No. 5.

(No. C. 19/12.)

(Private.)

My Dear Pennell, Government House, Rangoon, December 23.

Your Note reached me after we had started, and I carried off your draft. I wired, approving it, from Dedaye, and hope you were able to indite a duplicate. I return the original. On your statements, no doubt, Maung Pe behaved badly, but fining is not a proper punishment for a Deputy Commissioner to inflict on a subordinate Magistrate. It may be usual in Burma, but I don't like it. However, I shall not interfere unless he appeals to me officially.

I have arranged to provide you with a full staff. Thompson and Clarke will change places at once. Field, on his return from leave, will be posted to Maubin. You can use either him or Thompson as Subdivisional Officer, and we will give any powers required. Dawson will remain; Field joins on 18th August.

A Myook for grazing grounds will be sent you. Keyam Nyim (?) is to go to you as Treasury Officer from Henzada. Maung Shwe Bu, E.A.C., goes to you as Atwinwoon. Both these are good men.

Matthews will relieve you of Munro's case. Now please set to work to clear off arrears, and, above all, send in your Revenue report as quickly as you possibly can.

Confine yourself, in your reply to Commissioner's call for explanation of the past 3 months, to the barest statements of facts and reasons. Don't argue, or go in for colouring, or personalities. I have heard all you have to say, and understand you, perhaps, better than others do. Please, however, tell me in confidence if you mean to revert to Bengal in November or not.

Yours, &c.,

A. Mackenzie.

Enclosure O. to No. 5.

My Dear Pennell, Darjeeling, October 15, 1895.

In reply to your letter of the 3rd October, I write to let you know that Mr. Carnduff has been appointed to act as Judge of Beerbhoom as soon as he is relieved of his appointment in the Legislative Department. On Mr. Harvey James's return from leave on the 2nd November, Mr. George Gordon will then relieve you of the additional Judgeship of the Eastern Districts, and you will be posted to act as Magistrate and Collector of Rangpur. I see you talk of taking furlough in the beginning of February, but I hope you will be able to wait till the middle of March, if this would prove more convenient to Government, but this question of date we shall be able to arrange definitely about Xmas time.

I am, &c.,

H. J. S. Cotton.

A. P. Pennell, Esquire,
Officiating Additional Judge.

Enclosure P. to No. 5.

My Dear Pennell, Darjeeling, November 16, 1895.

I am sorry for the cancelment of the orders in your case, but we could not help it; they were due to the decision at the eleventh hour by the Government of India that Carnduff was to remain in the Legislative Department. I think you must expect to remain in your present office till you go on furlough in the spring, but if there is a chance of transferring you I will let you know at once. In the meantime I can only say that your having officiated as a Judge by no means pledges you to join the Judicial Service.

I am, &c.,

H. J. S. Cotton.

Enclosure Q. to No. 5.

My Dear Mr. Pennell, Calcutta, February 28.

You will be attached at first to the Office of the Comptroller of India Treasuries here, and we should like you to join by 10th-15th March if possible.

If it will be any convenience to you I can put you up for a short time at 1 A, Outram Street, but as you know I shall leave for Simla at the end of the month. I was induced to get you into the Finance Department, which offers greater opportunities than other public Department, by hearing about you from Colonel Le Mesurier. If you will only make good use of your time, and get a grip over the *principles* of finance and accounts, you will find the result in future years.

Let me know when to expect you.

E. J. Sinkinson.

Enclosure R. to No. 5.

Office of Comptroller and Auditor-General,
The Treasury, Calcutta, dated the 14th December, 1898.

My Dear Pennell,

I will let you know as soon as anything is settled. Meanwhile I am glad you have let me know you could come to us if we want you. I am not sure, however, whether you know that the vacancy will be for only three months, as Finlay will return to duty by the end of March. The papers say that Lawrence will come here. I rather suspect he will beg off; in that case Branson would move here. We have a civilian D.A.G., Clegt, who could act A.G. for 3 months.

If you were asked to act at Allahabad it would probably be as junior to Michael, now A.G.B., who belongs to 1887.

If anything I have written leads you to modify your views let me have a wire.

Yours, &c.,

A. F. Cox.

Enclosure S. to No. 5.

Bengal Secretariat, Darjeeling,
My Dear Pennell, November 2, 1889.

I spoke to-day to Edgar, and showed him your letter of the 30th, about going to Buxar. He said that you had probably heard by this time that you had been specially selected to go to Burma, on a personal application, twice made by the Viceroy himself to the Lieutenant-Governor, to send two of the best of the junior men in Bengal; you and Monahan have, therefore, been chosen. There is a good opening there for ability, and you will have ample opportunity of showing your ability. I hope it will suit you, and that you will prosper there.

Yours sincerely,
C. E. BUCKLAND.

I shall not be down in Calcutta until the 13th, and leave on the 19th for England.

Enclosure T. to No. 5.

(No. 518/7, L-2.)

MY DEAR PENNELL, Secretary's Office, Rangoon, 1893.

I AM desired to inform you that the Chief Commissioner intends to appoint you to act as Director of L.R. and A. from the 15th June, or thereabouts, until early in September, when Matthews will take your place.

You will hold the appointment of settlement Officer jointly with the appointment of D.L.R.A.

Yours sincerely,
C. S. BAYNE.

Enclosure U. to No. 5.

(No. 90/28/8.)

Revenue Secretary's Office, Rangoon,
MY DEAR PENNELL, June 5, 1894.

I AM desired to forward herewith, for your information, a copy of a Resolution* which has been issued under Sir Alexander Mackenzie's orders on the subject of your Amherst Settlement Reports.

Yours sincerely,
C. C. LOWIS.

A. P. Pennell, Esquire,
Deputy Commissioner, Maubin.

Enclosure V. to No. 5.

MY DEAR PENNELL, S.S. "Sladen," 1893.

A LINE to let you know that I have received your letter, and sent for the papers, but that there will be some little delay, as I am at present on the way up to Bhamo with the Viceroy.

I am sorry you want to leave Burma. I am afraid it will not be possible for the Chief Commissioner to let you go till your time is up, as we have been making the strongest representations to India about the insufficiency of our staff, and we should be stultifying ourselves, and should probably seriously injure our prospects of getting the Commission strengthened, if we were to volunteer to give up an experienced officer like yourself.

However, I will look up the papers verifying the terms upon which you came to us, and send you a further reply in due course.

Yours sincerely,
E. S. SYMES.

I may mention that Courneuve speaks in the highest terms of the assistance he receives from you.

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* *Vide infra*, page 154

Enclosure W. to No. 5.

(No. 678/1 C./7.)

My Dear Pennell, December 20.

The Chief Commissioner desires me to let you know that he hopes to re-appoint you to be a Deputy Commissioner, 4th grade (permanent), and to give you the charge of a District from the beginning of April next, when there will be a vacancy consequent on the retirement of Macrae. This news may, perhaps, affect your views with regard to taking leave, or, perhaps, even with regard to applying for retransfer to Bengal.

The Chief Commissioner will, I know, be sorry to lose your services in this Province. I am sorry you find your present work uncongenial. It won't be so bad when you get a District of your own.

Yours sincerely,

E. S. Symes.

Enclosure X. to No. 5.

Chief Secretary's Office, Rangoon,

(No. 266.)

My Dear Pennell, December 10.

A line to let you know that the Chief Commissioner proposes to transfer you next month to the charge of the Thongwa District, which, as you no doubt know, is considered one of the most important districts in Lower Burma.

You will probably be relieved at Pakokku by Symns, who is due here on the 15th instant, and you would make over charge to him on such date as will enable you to take charge at Maubin on about the 10th March. You will get your pucka stop on the retirement of Macrae, in April.

Yours sincerely,

E. S. Symes.

Enclosure Y. to No. 5.

(Government of Bengal.)

My Dear Pennell, Darjeeling, September 18.

I write this letter to reach you at Bombay. The Lieutenant-Governor has decided to post you to Mymensingh, from which Anderson goes on furlough, and the orders have been gazetted. A strong Judge is wanted there. After your long rest you are likely to deal with the heavy work more effectively than most of our Judges. I am much afraid that you will have to put up with poor accommodation, the earthquake having damaged the Judge's house past repair. I have requested the Public Works Department to have the circuit house range repaired as quickly as possible, and hope that you will find accommodation there. Please communicate with Anderson soon after your arrival, informing him on what date he may expect you. You had better wire.

Yours sincerely,

C. W. Bolton.

(Relating to Enclosure V., *ante.*)

Extract from the Proceedings of the Chief Commissioner, Burma, in the Revenue Department, No. 2S.—8, dated the 1st June, 1894.

Read—

Letter, No. 504-346 R., dated the 15th June, 1893, from the Financial Commissioner, submitting the Report on the Settlement Operations in the Amherst district for the season 1891-92.

Read also the report, and the following papers reviewing and commenting on it:—

(1.) Note by the Director of Land Records and Agriculture, dated 29th April, 1893.

(2.) Review by the Financial Commissioner, dated 11th May, 1893.

(3.) Note by the Officiating Chief Commissioner, dated 18th June, 1893.

Resolution.—The attention of all officers concerned is invited to the Report on the Settlement Operations in the Amherst district for the season 1891-92, which was submitted to this office under cover of the Financial Commissioner's letter, No. 504-346 R., dated the 15th June, 1893. There are a number of points in that Report which the Chief Commissioner fears may be overlooked unless they are now taken up and dealt with on a systematic principle. Some of these points have been touched upon in the Financial Commissioner's review of the Report, dated the 11th June, 1893, and in the Officiating Chief Commissioner's Minute of the 18th of that month, but Sir Alexander Mackenzie believes that unless some definite steps are now taken to deal separately with each and all of the points on which action is required, there is a danger of their being lost sight of. The following orders are accordingly communicated in regard to these matters, which are detailed in the succeeding paragraphs of this letter.

Paragraphs 53 and 54.—In these paragraphs Mr. Pennell deals with the question of drainage projects, and the silting up of drainage channels. The Public Works Department has been asked what action is being taken in the matter of the preparation of large drainage projects in the Amherst district. Meanwhile, however, the necessity for less ambitious drainage schemes should be kept in view. The Commissioner of the Tenasserim Division should submit a Special Report on the subject of the silting up of drainage channels, and proposals for remedying defective drainage.

Paragraph 67.—In the latter portion of this paragraph the Settlement Officer comments on the desirability of applying the proceeds of the District Cess Fund to the improvement of the water-supply in rural tracts. As regards this point the Commissioner should report what steps he proposes to take to utilize District Cess Funds in improving the water-supply.

Paragraphs 74 and 75.—In these paragraphs the subject of cattle-paths and grazing-grounds is dealt with. The Chief Commissioner observes that the Financial Commissioner has requested the Commissioner to report what measures he proposes to adopt to keep the approaches to watering-places and pastures open, and to protect grazing reserves. Sir Alexander Mackenzie wishes this matter to be thoroughly taken up. He desires that the result of the reference to the Commissioner may be reported, and that he may be favoured with the Financial Commissioner's matured opinion on the Settlement Officer's proposal to insert a provision in the rules under the Land and Revenue Act requiring thugyis to periodically inspect grazing-grounds and cattle-paths in their circles.

Paragraphs 78 and 79.—With regard to the points raised in these paragraphs, the Chief Commissioner would be glad to learn from the Financial Commissioner whether steps have been taken for the final allotment of grazing grounds, and whether any action has been taken on the suggestion that in settled tracts, where grazing-grounds have been allotted, Township Officers should be prohibited from rejecting applications for grants on the ground that the land is required for grazing, unless they have personally satisfied themselves that such is the case.

Paragraph 80.—With reference to the Settlement Officer's remarks on the subject of cattle-breeding, the Financial Commissioner is requested to report what steps are being taken to improve the breeds of cattle in the province.

Paragraphs 81-84.—The necessity for revising the fishery arrangements of the Amherst district, which is dwelt on in these paragraphs of the Settlement Officer's Report, has been endorsed by the Financial Commissioner, and the Officiating Chief Commissioner. This revision should be made a distinct case in the Financial Commissioner's Office, and should be thoroughly worked out.

Paragraph 90.—With regard to the comments made by Mr. Pennell in this paragraph on the subject of the maintenance and repair of communications, the Commissioner of the Tenasserim Division is requested to report what is being done to provide bridges on country roads from District Cess Funds. It is extraordinary that there should be no list of roads in the Amherst district office. The matter should be looked into at once.

Paragraph 122.—The remarks made by the Settlement Officer in this paragraph appear to call for enquiry on the part of the Financial Commissioner into the Excise arrangements of the Amherst district. The Chief Commissioner trusts that the matter has received full attention.

Paragraph 140.—In connection with the Settlement Officer's remarks regarding freehold grants, the Chief Commissioner wishes the matter of the Sutherland grant to be fully enquired into and reported on. Sir Alexander Mackenzie desires that the subject may not be left to be disposed of by the Commissioner, but that it may be dealt with finally in the Financial Commissioner's office. The whole of the leasehold grants referred to in paragraphs 139 of the Report should be carefully examined, and the office records on the subject should be put in order.

Paragraph 196.—It is to be hoped that this matter of the defects in the system under which grants are issued in the Amherst district will be taken up systematically, and in earnest. It is, the Chief Commissioner considers, one of very great importance. The Settlement Officer is, no doubt, sweeping in his denunciations, but it is a well ascertained fact that the revenue administration of Moulmein has, in the past, been atrociously bad, and that the local officers in past years were weak and incompetent. A general reform in every direction must be insisted upon. Chapter V. of Mr. Pennell's Report may be altogether out of place, but the Chief Commissioner trusts that proper steps have been taken to prevent the recurrence of the evils that he has brought to light. Sir Alexander Mackenzie thinks that it may be very well the case that the Directions to Settlement Officers in Lower Burma would be the better for revision and expansion. The matter is commended to the earnest attention of the Financial Commissioner.

Paragraph 244.—It would appear from the Settlement Officer's remarks on page 137 of the Report that the prices current are very carelessly prepared in the Amherst district. At a place like Moulmein the prices current of the principal millers and brokers might, the Chief Commissioner thinks, be used as a check on the official returns. The matter should be looked into.

The points raised in the different paragraphs of this Resolution should be dealt with separately by the officer concerned, and when the action taken on the orders now communicated is reported, each point should be made the subject of a separate communication.

Order.—Ordered that a copy of the above Resolution be forwarded to the Financial Commissioner, and the Commissioner of the Tenasserim Division, for information, and for the favour of necessary action.

Ordered also that a copy be forwarded unofficially to the Secretary, Public Works Department, for information in continuation of this office Memorandum, No. 589-2 S.-8, dated the 29th May, 1894.

By order of the Chief Commissioner,

C. C. LOWIS,

Officiating Revenue Secretary.

Enclosure Z. to No. 5.

MY DEAR PENNELL, 9, Elysium Row, March 6, 1900.

I SHALL send for Hari Charan Baral to-day, and see about your shares being registered. I also bought, lately, 25 shares in the Bowreah; but although the man took the money from me on the 27th of last month, he hasn't brought me the papers yet. I had commenced a letter to you yesterday, but had to tear it up, owing to frequent interruptions. I have one or two matters of importance to tell you, but as these things were told me in confidence I need hardly repeat that you will also treat my communication in the same light. It appears the Government of India sent a reference to the High Court against your now famous judgment in the Chupra case, with the object, it appears, of strengthening the hands of the Secretary of State against any possible attack in Parliament, or it might be to prejudice him against you, so that he may not, of his own account, take some action against the Government, and in your favour. The Judges were asked to pronounce an opinion upon your judgment in particular with regard to the strictures on the officials; they had two stormy meetings on the subject, and the very Judges whom you despised, on account of their want of stamina and lack of education in Europe, stick up for you, and all your brother civilians were bitterly opposed to you, and were in favour of reporting against you, but the facts of the case were too strong for them; old Chandy Madhub had got up the facts very well, and met Macpherson and Prinsep upon every point. Finally, it was decided to report to Government that apart from the fact that the language of your judgment was intemperate they had no other fault to find with it. Prinsep and Macpherson actually argued that your procedure in examining these officials was irregular, and when Ghose pointed out that the Deputy Magistrate had refused to give an explanation, they still said the examinations of these persons might have been avoided. The men who supported you were, Ghose, Bannerjee, Ameer Ali, Stanley, and the Chief Justice. Sale came in late, and we barely could understand what he did say on the subject, but it appears he said something without joining in the voting. The Indian Government further asked the Court what action they were taking against you, upon which a reply has been sent to the effect that they would communicate their views to you direct. Here is another piece of information for you: the Chief Justice said, privately, to Ghose that you have absolutely spoilt a good case by your intemperate language; that the facts were so strong that you could have simply crushed the executive by a mere narration of them in language more sober; there was some other reference against you by the Bengal Government with reference to some remark about some Canoongoes as a class, one of whom had given evidence before you, and the High Court had to condemn the language of your remark. Ghose told me all this in confidence, and asked me not to repeat anything to you, but as I may absolutely rely upon you, I don't mind his prohibition. Dyspepsia is not the only disease for which this is a bad country. I think there is another disease for which this country is more unsuitable. I mean for those people who suffer from "prickings of conscience." The Government of India must know you were absolutely right on the merits, but your judgment, if accepted by them, would mean an absolute condemnation of the system of Government which prevails in this country, and, therefore, you must be sacrificed in some way or other. The Government of Bengal send you to Noakhali on account of this case, and afterwards unblushingly declare that it was not due to that, but the exigencies of the service—only nobody has yet explained why you, of all others, should be sacrificed to their so-called "exigencies." I shall, of course, write to you from time to time, but Saturday is my only free day, and I find that I have now to go to Muffussil in Criminal appeals very often on that day. I went to Arrah Saturday before last, and appeared before your friend, Hardinge.

Yours ever,

P. N. Roy.

Enclosure Z. 2 to No. 5.

7, Park Street, Calcutta,

Dear Mr. Pennell, June 17, 1900.

Pardon my not replying to your letter of June 10th before. I think if your insomnia still troubles you, it is necessary that you should have a sea voyage. If you can get 10 days off for a change, go on one of the river steamers. On your return try the medicine again. If no better take leave.

Sincerely yours,

R. H. Charles.

Enclosure Z. 3 to No. 5.

Dear Mr. Pennell, Patna City, October 23, 1899.

It appears from the letter of Mr. Bolton, as well as from the last Calcutta Gazette, that you have been posted to Noakhali. Mr. Bolton writes to me that you will relieve me after the vacation. Please let me know what date I am to expect you at Noakhali? I have got my furniture there, which I should like to dispose of before leaving the place. I should like to know if you would purchase any of the furniture; you can see the furniture after your arrival at Noakhali. I hope to be at Noakhali on or about the 30th instant.

Yours truly,

S. Nurvl Huda.

Enclosure Z. 3a to No. 5.

Bengal Civil Medical Department, Form No. 31.

Medical Certificate under Article 893, Civil Service Regulations.

I, Reginald S. Ashe, Civil Surgeon of Mymensing, do hereby certify that A. P. Pennell, of the Indian Civil Service, is in a bad state of health; and I solemnly and sincerely declare that, according to the best of my judgment, a change of air is essentially necessary to his recovery, and do therefore recommend that he may be permitted to proceed to Australia, and to be absent from his duties for the space of three months.

Reginald S. Ashe,

Civil Surgeon.

Place—Mymensing,

Date—September 3, 1898.

Enclosure Z. 4 to No. 5.

OPINION ON THE CRIMINAL PROCEDURE BILL.

I do not propose to do more than comment briefly on such provisions of the Bill as appear to me open to adverse criticism or, at all events, susceptible of improvement. The great majority of the changes proposed are very obviously improvements, but for the most part they relate to comparatively unimportant matters, while some of the changes, which I consider changes for the worse, appear to me to be very important indeed.

Clause 10, paragraph (2).—I would add to this paragraph the following proviso:—

"Provided that no Magistrate shall be appointed to be an Additional District Magistrate, unless he has exercised the powers of a Magistrate of the first-class for ten years at least, or unless such Magistrate is a member of the covenanted Civil Service, and has exercised the powers of a Magistrate of the first-class for five years at least," and would amend the paragraph itself by substituting—

"A Magistrate" for "any Magistrate of the first-class," and

by omitting "for a period not exceeding three months." I may point out that even the amended section would be an addition to the powers which the Local Government now possesses.

I think there is a distinct danger that the supervision of criminal justice may be left to untried and inexperienced officers. Local Governments are apt to think, though, of course, they do not say, that any one is good enough to try criminal cases.

I think, myself, that section 407 is occasionally abused in the same way. In this important district the bulk of the District Magistrate's appeals are disposed of by a Deputy Magistrate, whom I consider to be hardly qualified for such important work.

It may be objected that the Local Government already have power to appoint a District Magistrate without any such limitation as I propose. But in the case of the District Magistrate the exercise of the power of appointment is safeguarded by the fact that a District Magistrate has to perform numerous other duties which the Local Government is apt to esteem more highly than the administration of criminal justice.

If care were taken that only competent persons were appointed, I see no reason for limiting the time of the appointment. It seems to me, indeed, that the limitation of the time of the appointment is mischievous, as it tends to divert attention from the qualifications of the person appointed. It will be thought that any one will do for three months.

Clause 115, subsections (*b*), (*c*), (*d*). I think that any one who is willing and able to furnish security for his good behaviour should be allowed the right to have that security taken in lieu of police supervision; to enact otherwise will be to place a terrible power of persecution in the hands of an unscrupulous Magistrate. A certain number of District Magistrates *are* unscrupulous. There is no appeal against their order to give security under the present law. It is now proposed that there shall be no appeal against their order for police supervision. Under the present law the rich enjoy a comparative immunity from oppression; the proposed law involves rich and poor in the same peril.

Clause 122.—I would much prefer to keep the words "for good behaviour." I do not think it safe to trust the Magistrate with this new power.

Clause 132.—I think the sanction of the Local Government should suffice in the case of persons other than Magistrates.

Clause 162.—The proposed change is a most mischievous one, and will improve returns at the expense of justice. It has long been settled law in these Provinces that the accused are entitled to see these statements, and although the Allahabad High Court have recently ruled otherwise, I think that is rather a reason for making the present law clearer than for altering it. If the law is as the Allahabad High Court have just discovered it to be, the sooner it is changed the better. I would solicit a reference to the judgment of Aikman J., in the case referred to (I.L.R., 19, All., 390, vide especially page 418), and ask if any serious attempt has been made to answer his reasoning. I have had some years' experience in these Provinces, and have never known a single case when the inspection of the statements by the accused's pleader has done any harm, while I know many cases where that inspection has been vitally important for the ends of justice. It is all very well to say that the Judge can look at the Diaries, but the people who say this know very well that the average Judge won't, even if he had time, which he seldom has. I do not suppose that the Judge of Mymensingh refers to police diaries once in a year. As for the Magistracy, it must be remembered that most of these are only less interested than the Police in showing a large percentage of convictions, as they believe that their promotion will largely depend upon their doing so. I believe that there is, or was, a Departmental order forbidding Police Officers to refer to Diaries, which is practically equivalent to an order to them to forget, when in the witness box, everything which might tend in favour of the accused, and when an officer in the position of the Inspector-General of Police can issue such an order, it is not to be expected that native Deputy Magistrates will be much more scrupulous. The whole argument on the other side seems to me to be singularly opposed to English ideas of fair play. I think it sufficient to quote the language of Aikman J., in the case referred to—" If the accused, or his agent, be allowed to see what a witness for the prosecution is recorded to have previously said to the Police, this may materially aid him in his endeavour to prove that the witness is untrustworthy, and I see no reason why this assistance should be withheld from him."

Clause 225, paragraph 21, should be omitted.

The first paragraph is quite sufficient. If the error has, in fact, misled the accused, and occasioned a failure of justice, I see no reason why the error should not be rectified on appeal or revision.

It should be borne in mind that in the court of first instance the accused is frequently not defended at all, and that, perhaps, not in one case out of a thousand does he have really competent legal advice. To provide that objections to any matter connected with the charge shall be taken at the earliest opportunity is, under these circumstances, nearly equivalent to providing that such objections shall not be taken at all.

Clause 256, Clause 257.—It is indisputable that the privilege (? right) of cross-examination is often much abused, especially in the Courts of subordinate Magistrates; at the same time cases are frequent where cross-examination after charge is very necessary, even though a witness has already been cross-examined, and I do not think it safe to leave it to the Magistrate's discretion whether this second cross-examination should or should not be permitted. It seems to me that the best course would be to expressly provide that it should be discretional with the Magistrate to permit cross-examination before charge. The result would be that in the majority of cases no cross-examination would take place till after charge. The real reason why pleaders and muktears are so anxious to cross-examine before charge is, that a great many [Magistrates ?] are very unwilling to acquit the accused when they have once framed a charge; the connection between charge and conviction is as strong in their minds as the connection between betrothal and marriage in Germany. So well is this known, that when a charge has once been framed, it requires more strength of mind than the average Muktear or junior pleader possesses to refrain from calling witnesses, even though it may be really much against his client's interest to do so. Under the present law, the Magistrate insists upon cross-examination before charge, because he does not like to frame a charge unless he thinks himself pretty certain of convicting. If, however, it were the general practice to have no cross-examination till after charge, the meretricious sanctity which, at present, attaches to the Magistrate's opinion that there is ground for presuming that the accused has committed an offence would disappear, for a Magistrate would have less difficulty in admitting that such opinion might possibly be a mistaken one if it were based merely on the examination in chief of the witnesses for the prosecution.

Clause 439, last paragraph, is, in my opinion, either superfluous or mischievous. Superfluous, if the accused has the right of appeal, for no Court of Revision is at all likely to interfere. It would refer him at once to the Court of Appeal. Mischievous, if the time for appealing has past.

It is not at all safe to assume, even in these provinces, that a man will appeal in every case when an unjust sentence is passed. Suppose it is a sentence of fine only. It may very easily be less expensive for him to pay the fine than to appeal to a distant Court.

In Burma there is a standing order that the District Magistrate shall call for a certain number of cases from his subordinate Magistrates in revision, with a view to redressing possible injustice. The inspection of the records which follows leads to constant references to the Judicial Commissioner.

The new provision would put a stop to this useful practice. No doubt revision in appealable cases, when no appeal is brought, is much less necessary in an advanced country, with a population so litigious as that of Bengal, than in a backward province like Burma, but cases will occur, even in Bengal, when such revision is expedient, and the Code is not confined in its operation to Bengal, but extends to Burma and other parts of India which are no further advanced.

Clause 526, paragraph 81.—The proposed addition is a most mischievous one. I do not know *by whom* it has been found necessary to give a discretion to a judicial officer in such a case. No doubt it is quite possible that the power of requiring a postponement may sometimes be abused, but it is a question of the choice of evils, and to leave any discretion in the matter to the Court is a far greater evil. In by far the greater number of cases such applications are made by the accused, because he is rightly or wrongly dissatisfied with the Court, and to leave it to the Court to decide whether such an application is made for the purpose of delay, or otherwise prejudicing the course of justice, is practically to make the presiding officer of the Court a Judge in his own case.

Enclosure Z.5 to No. 5.

(Calcutta. Exhibit 29. A. Pennell, J. August 23, 1899.)

(Confidential.)

MY DEAR PENNELL, Bengal Secretariat, December 7, 1897.

YOUR Note on the Criminal Procedure Bill, submitted on the 25th ultimo, in compliance with my request for your opinion, has been found, on perusal, to be so very objectionable in several places that it cannot be accepted and placed among the papers on the Bill.

The worst passages are these:—

(1.) " To enact otherwise will be to place a terrible power of persecution in the hands of an unscrupulous Magistrate. A certain number of District Magistrates *are* unscrupulous."

(2.) " As for the Magistracy, it must be remembered . . . . . it is not to be expected that Native Deputy Magistrates will be much more scrupulous."

(3.) " The real reason why Pleaders and Muktears . . . . . . marriage in Germany."

These remarks assert members of your own Service to be unscrupulous, and make a similar imputation against other Magistrates. The gravity of recording such an imputation in an official paper cannot be exaggerated. Elsewhere you observe (*a*) that Local Governments are apt to think, though they do not say, that any one is good enough to try criminal cases, and (*b*) that, if a certain amendment is made in the Code, it will be thought that any officer will do to act for three months as a District Magistrate. You also speak of the "meretricious" sanctity which at present attaches, &c. The language used in these passages is unbecoming in a Note submitted to the Government.

The Lieutenant-Governor, I am to say, is surprised that you should have permitted yourself to write as you have done. The remarks to which attention has been here drawn indicate, he considers, an extraordinary lack of the sense of responsibility in an officer of your standing, occupying the position of a District Judge. Your Note, if placed on record, might give rise to very serious unpleasantness, and to consequences unfavourable to yourself. It will accordingly be destroyed, and I am to desire that you will, without delay, destroy the draft, which should not remain in your file.

Yours sincerely,
C. W. Bolton.

(Enclosures Z. 6 to Z. 10 not printed.)

Enclosure Z. 11 to No. 5.

Sir,

Noakhali, April 8, 1901.

In reply to your letter of April 5th, I write to say that, as far as I recollect, the only books that I took from your house were a Bengal Civil List of 1st October, 1900, and a history of services of Gazetted Officers. There was also some paper with the Judge's Office Docket. I forget what it was, and as my office is closed, I cannot now ascertain. I will send you, to-morrow, a complete list of all books and papers taken from your house, but I do not like to delay this letter, as you wish for an early reply, and I pass on to explain how I came to enter your house, and take these papers.

I learnt from my Sarishtadar that you had retained in your house, for your personal use, some Government property belonging to the District Judge's Office. There were, if I remember right, a couple of writing desks, some chairs, and a towel rack. I instructed the Nazir to obtain these articles from the servant in charge of your house, and remove them to the Cutcherry. As I was returning from my walk next morning, I saw a bullock cart at your door, and went to see that things were being done decently and in order. The Nazir, with one or two Coolies was there, as also your servant. I went into the house, saw the furniture that was to be removed, and told your servant to remove from your office table your personal belongings. As I was doing this, my eye fell on a Civil list, which I knew was a book that I had written to you about. Thinking that some other papers and books, which were said to be in your possession from my office, might be there, I glanced rapidly round, and found the History of Services, and the paper I spoke of, and (as I now remember) a map of part of the district hanging on the wall. These all seemed to belong to the office, and I therefore removed them. Your servant was present throughout, and I told him, when he should see you, or write to you, to let you know what I had done. I was not aware that there was any lady in charge of your house, nor did your servant inform me of the fact.

Yours faithfully,
B. G. Geidt.

P.S.—Perhaps you will allow me to take this opportunity of calling your attention, for the third time, to the fact that there are still in your possession books, papers, and other articles belonging to my office.

A. P. Pennell, Esquire.

(Enclosures Z. 12 to Z. 16 not printed.)

Enclosure Z. 17 to No. 5.

To the Registrar, High Court, Appellate Jurisdiction.

SIR, Calcutta, March 8, 1901.

I HAVE the honour to state that I was formerly Sessions Judge of Noakhali, but was suspended on the night of the 4th instant. I have in my possession the record in the case of Emperor *v.* Reily, which I brought with me to Calcutta. A rule was issued by the High Court directing me, amongst other things, to submit this record on or before the 9th instant (to-morrow). So far as I know there is now no Sessions Judge of Noakhali, and I do not know what to do with the record. . Under these circumstances I tender it to you with the usual form of receipt, and request that you will either take it over and sign the receipt, or will obtain and communicate to me the wishes or orders of the High Court with regard to its disposal.

I have, &c.,

A. PENNELL.

Enclosure Z. 18 to No. 5.

DEAR MR. PENNELL, Noakhali, April 22, 1901.

I HAVE been invited to go to the tea party offered in your honour.

Be sure, Dear Mr. Pennell, if I was alone, if I had nobody under me, whom I have to help in their welfare, by getting, from time to time, some situation in the offices of the Government, I would not hesitate at all to answer to the kind invitation, and to join myself ostensibly to the natives to say Good-bye to you, Dear Mr. Pennell.

I am sure, Dear Mr. Pennell, you will understand me, and my constrained shyness in this circumstance.

Again, and again, thanking you very much of your great charity towards my Christians, I bid you, Dear Mr. Pennell, a good voyage, a happy sojourn in Europe, and a prompt return to Bengal.

Yours sincerely,

A. FRANCAIS, C.S.C.,
Catholic Priest.

No. 6.

Letter from the Under Secretary of State to Mr. A. P. Pennell, No. J. & P. 1353, dated India Office, 5th September, 1901.

I AM directed to say that your communication of the 10th August has been considered by the Secretary of State in Council, in connection with the letter of the Government of India, of which a copy was furnished to you on the 29th June last, and that His Lordship has decided, for the reasons stated in that letter, that it is impossible that you should continue to be a member of the Indian Civil Service.

You voluntarily, and in defiance of a warning conveyed to you by direction of the Government of India, that you were thereby violating clause 8 of your covenant, abandoned that service by quitting India without leave on the 15th May last; and Lord George Hamilton has directed that from that date your name shall be removed from the roll of its members.

The present orders dispose of your Memorial to the address of the Secretary of State, dated the 29th April last, in which you prayed for reinstatement in your office of Judge, and for compensation for the treatment to which you had been subjected.

I am, &c.,

(Signed) HORACE WALPOLE.

No. 7.

Despatch from the Secretary of State for India to His Excellency the Right Honourable the Governor-General of India in Council, No. 120 (*Public*), *dated* 13*th September* 1901.

Removal of Mr. A. P. Pennell from the Indian Civil Service.

I HAVE had under consideration in Council the letter of your Excellency's Government No. 54, dated the 30th May 1901, and its enclosures, regarding the conduct of Mr. A. P. Pennell of the Indian Civil Service, lately District and Sessions Judge of Noakhali in Bengal.

2. Learning that Mr. Pennell was in this country, and having regard to the nature of the recommendations contained in your letter, I thought it expedient to communicate with him and ascertain what, if anything, he had to urge against the adoption of the course proposed by your Excellency in Council.

3. Having now carefully considered in Council the letter of your Government and its enclosures, with Mr. Pennell's observations thereon, I entirely concur with your Excellency in holding that he cannot continue to be a member of the Indian Civil Service. As, moreover, in defiance of a warning conveyed to him by your Excellency's direction that he was thereby violating Clause 8 of his covenant, he abandoned that service by quitting India without leave on the 15th May last, I direct that from that date his name be removed from the roll of its members. Having regard to the attitude which he still maintains in the face of the grave charges proved against him, I also concur with your Excellency in Council in thinking that there is no ground for considering the question of granting him a compassionate allowance.

4. I have communicated this decision to Mr. Pennell, and informed him that the present orders dispose of the memorial to my address dated the 29th April last, forwarded with the Bengal Government's letter, No. 124 A.D., dated the 19th May, in which he asked for reinstatement in his office of Judge and for compensation for the treatment to which he had been subjected.

I have, &c.,

(Signed) GEORGE HAMILTON.

APPENDIX.

Page.

The High Court Paper Book, Appeal No. 173 of 1901. In the case of the King Emperor, Complainant, *versus* Sadak Ali and others, Accused.

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Judgments, dated 17th April, 1901, of the Honourable Justices Ameer Ali and Pratt in the above case 347

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SUMMARY OF THE PROCEEDINGS.

Heading of Sessions Trials.

COURT OF SESSIONS JUDGE OF NOAKHALI.

Trial No. 1 of the Sessions for January, 1901.

Case No. 562 for 1900 of the Deputy Magistrate's Calendar for 1900.

Committing Officer.—Babu Kali Sankar Sen, Deputy Magistrate of Noakhali.

Trial held under Act X of 1882.

BABU ISHAN CHANDRA SEN, - - - - - - } *Assessors.*
„ CHANDRA MOHUN ROY, - - - - - - }

For Prosecution.—Government Pleader.

For Defence.—Babu R. K. Aich and R. K. Bose, *Pleaders.*

THE QUEEN,
versus
No. 1, SADAK ALI.
No. 2, ANWAR ALI.
No. 3, ASLAM.
No. 4, YAKUB ALI.

CHARGE.

Committing murder, Section 302, Indian Penal Code.

The 1st July, 1901.—The Assessors were chosen. Babu Radha Kanta Aich for the accused objected to one of the Assessors originally selected, Babu Amar Kristo Sen, and Babu Ishan Chandra Sen was therefore selected in his place.

The charge was read and explained to the accused, who pleaded not guilty.

The Government Pleader applied for warrants against some witnesses of whom all except one eventually appeared. It seems that by some negligence the witnesses were not bound down to attend this Court as directed by law. The Government Pleader says that the Court Sub-Inspector states that he took no recognizances because he was not ordered to do so. He is a Senior Officer and should have brought the matter to the notice of the Committing Magistrate if an order was required. Let a copy of this order be sent to the District Magistrate with the request that due notice may be taken of the failure to take recognizances It is the more necessary that I should bring the matter to his notice, as the conduct of several of the Police Officers seems to be very much in issue in this case.

A warrant will issue against the absent witness.

The Government Pleader opened the case for the prosecution. Examined witness No. 1, Idris Mia, in part and admitted Exhibits 1, 2 and 3 for the prosecution. Case adjourned to the 8th instant for want of time.

A. PENNELL,
Sessions Judge.

2. The 8th January, 1901.—Case resumed. The warrant against Mahabat Ali has been returned unserved. Government Pleader states that he understands a peon has been sent to Hatia after this witness. He was informed by the Court that he could apply for further process if or when he thought it necessary. Examination of Idris Mia continued. It was not concluded when the Court rose for the day. Case adjourned to 9th January for want of time.

A. PENNELL,
Sessions Judge.

3. The 9th January, 1901.—Case resumed. The examination of witness No. 1, Idris Mia, completed. Examined witness No. 2, Hosain Ali, in-chief. He proves Exhibit No. 4 for the prosecution. At the request of the Pleader for the accused his cross-examination was deferred and it being past 4 p.m. the case was adjourned to the 10th January.

A. Pennell,
Sessions Judge.

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4. The 10th January, 1901.—Case resumed. Owing partly to my writing a judgment at home, I did not attend Court till 11.40, and for various reasons, mainly connected with the quarterly returns, was unable to take up this case till 2 p.m. The witness No. 2, Hosain Ali, was then cross-examined. His examination was not completed till 4.40 p.m., when the case was adjourned to 11th instant.

A. Pennell,
Sessions Judge.

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5. The 11th January, 1901.—Case resumed. Witness No. 3, Torab Ali, examined. Case adjourned to 12th January for want of time.

A. Pennell,
Sessions Judge.

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6. The 12th January, 1901.—Case resumed. Witnesses No. 4, Islam, No. 5, Saroda Mohan Chakravarti, No. 6, Binod Bihari Pal (District Engineer), examined and Exhibit No. 5 admitted in evidence for the prosecution. Witness No. 4, Islam, complained after giving his evidence that he had been subjected to certain maltreatment while attending Court. The Senior Munsiff was asked to enquire into his complaint. Case adjourned till 14th January for want of time.

A. Pennell,
Sessions Judge.

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7. The 14th January, 1901.—Case resumed. Examined witnesses No. 7, Abdul Aziz, No. 8, Abdul Aziz Mir, No. 9, Rajab Ali, No. 10, Abdul Mir, and No. 11, Ahmadullah for the prosecution. Witness No. 4, Islam (who was present in Court), re-called and further cross-examined. Case adjourned to 15th January for want of time.

A. Pennell,
Sessions Judge.

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8. The 15th January, 1901.—Case resumed. Examined witnesses, No. 12, Kali Kumar Das, No. 13, Abdul Latif, No. 14, Ana Mir, No. 15, Hari Das Das, and read deposition of Civil Medical Officer and admitted Exhibits 6 to 22 for the prosecution. Ramdhan Barua, Constable, a witness for the prosecution, is not present. He is said to have gone on Dawk with the Deputy Inspector-General of Police. The District Superintendent of Police is also absent. Telegram sent to him directing him to return at once and bring Ramdhan Barua. Case adjourned for their evidence to 16th January

A. Pennell,
Sessions Judge.

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9. The 16th January, 1901.—Case resumed. Examined witness No. 16, Ramdhan Barua, re-called and further examined witness No. 1, Idris, and examined witness No. 17, Mohim Chunder Dey, and admitted Exhibits 23 and 24 (warrants) for the prosecution. Also admitted evidence of Mahabat Ali recorded by the Lower Court under Section 33 of the Indian Evidence Act. Examined in part Mr. W. Y. Reily, District Superintendent of Police, a witness called by the Court and admitted in evidence Exhibits 25A, 25B, 26A, 26B, 27A, 27B, and 27C, and Exhibits L1 to L62 inclusive (Special Diaries, etc.). The case is adjourned to 17th January for want of time.

A. Pennell,
Sessions Judge.

10. The 17th January, 1901.—Case resumed. Mr. Reily examined by the Court proves Exhibits B1 to B27 and Y1 to Y8 inclusive. His cross-examination by the pleader for accused commenced but not finished. Case adjourned to 18th instant for want of time.

A. Pennell,
Sessions Judge.

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11. The 18th January, 1901.—Case resumed. Mr. Reily further cross-examined by the pleader for accused. He proves Exhibit A. He was then further cross-examined by the Government Pleader for the Crown and proved Exhibits Aa and Aa1. His examination having been concluded the translation of his deposition to one of the Assessors who does not know English, was commenced. It was not concluded when the Court rose for the day.

A. Pennell,
Sessions Judge.

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12. The 19th January, 1901.—Case resumed. The translation of Mr. Reily's deposition was completed. The accused were then examined and their oral statements before the Lower Court (Exhibits 28, 30, 31 and 32) and a joint written statement filed by them in the Lower Court (Exhibit 29), were put in. On the accused being called on for their defence, Babu R. K. Aich, their pleader, put in an application for a view of the place of occurrence by the Judge and Assessors and was heard in support of it. As the place of occurrence is near the town, I think such a view desirable. It is arranged that Babu R. K. Aich shall provide the Assessors and the Government Pleader with a gari or garis, and come with them to my house at 7.30 a.m. to-morrow. The translator of this Court will also attend. We will then go to the various places mentioned in the course of the trial and return thence to Noakhali.

The further trial of the case in Court is adjourned till Monday the 21st instant.

A. Pennell,
Sessions Judge.

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13. The 21st January, 1901.—Yesterday I visited the place of occurrence with the Assessors, and we saw all the more important places, being engaged therein for a good three hours (apart from journey to and fro).

This day the case was resumed and witnesses No. 1, Kisto Chunder Bhadra, No. 2, Bharat Chunder Mozumdar, No. 3, Mohim Chunder Mozumdar, were examined for the defence. The further hearing was adjourned till the 22nd. The witnesses for the defence are told that they are not to leave the Court till judgment in the case has been delivered.

A. Pennell,
Sessions Judge.

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14. The 22nd January, 1901.—Case resumed. Examined witnesses, No. 4, Amjad Mir, No. 5, Ali Manjhi, No. 6, Islam Manjhi, No. 7, Afsaruddin, No. 8, Chand Mir, for the defence. The pleader for the accused intimated that he closed his case. Adjourned to 24th instant for arguments.

A. Pennell,
Sessions Judge.

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15. The 24th January, 1901.—The pleader for the defence was heard. The case is adjourned till the 25th for want of time, and as the 25th is Sri Panchami it will be taken up then at 7 a.m.

A. Pennell,
Sessions Judge.

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16. The 25th January, 1901.—Heard a few more words from Babu R. K. Aich for the accused. Heard Government Pleader for prosecution. The Assessors on being asked for their opinions, requested leave to consult. They were allowed to consult in my private room and after about five minutes returned and gave their opinions which were recorded—that Sadak Ali, Aslam and Anwar Ali were guilty and Yakub Ali not guilty. Case adjourned to 28th January for judgment.

A. Pennell,
Sessions Judge.

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17. The 28th January, 1901.—The judgment in this case is not yet ready, and at the rate I am writing it, it is not likely to be ready to-morrow. The case is, therefore, adjourned till the 30th instant. The defence witnesses must attend on that day.

A. Pennell,
Sessions Judge.

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18. The 30th January, 1901.—The judgment in this case is not yet ready and is not likely to be ready to-morrow. The case is, therefore, adjourned to the 1st February.

On the 28th instant I received from the Chief Secretary to the Local Government in the envelope marked Exhibit X19 the letter marked Exhibit X18 and despatched yesterday to him the telegram of which Exhibit X20 (on the back of Exhibit X18) is a copy.

Under Section 26 of the Criminal Procedure Code the Local Government has power to suspend or remove me from office.

So far as I know there is no reason why my second letter of the 31st December to Mr. Buckland, of which Exhibit X14 is a copy, should have "turned up again" just after the two Hindu Assessors had found three of the four accused guilty of murder, and after I had directed the European District Superintendent of Police, whom the Government Pleader had charged to his face with gross perjury, to attend Court till the judgment in the case was delivered.

It seems to me that the matter may be something more than a coincidence, and that it may be an attempt on the part of the executive authorities to intimidate me. I have received no reply to my telegram to the Chief Secretary. For my own protection in doing my duty I file with the record, after duly marking them, the whole of the correspondence ending with Exhibit X20. (It is marked as Exhibits X1 to X20 inclusive, Exhibit X8 is in three pieces, marked Exhibit X8a to X8c).

A. Pennell,
Sessions Judge.

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19. The 31st January, 1901.—The District Magistrate wrote yesterday asking for copies. I have replied that copies will be furnished before the papers are transmitted to the High Court.

No reply has been received from the Chief Secretary. Filed affidavit of Peshkar concerning the despatch of telegram on the 29th instant.

The failure of the Chief Secretary to reply to that telegram tends to confirm the suspicions already expressed in the Court's order of yesterday. Let the following telegram be sent to him.

(Urgent State.)

From—Noakhali.
Sessions Judge.

To—Calcutta.
Chief Secretary.

Please wire whether you have received my telegram of 29th concerning your demi-official of 26th.

A. Pennell,
Sessions Judge.

I, Prasanna C. Guha, Translator, Judge's Court, Noakhali, delivered to the signaller of the Noakhali Telegraph Office the telegram addressed by the Sessions Judge of Noakhali to the Chief Secretary, Government of Bengal, at 12.42 p.m. this day.

Prasanna C. Guha.

The 31st January, 1901.

20. The 1st February, 1901.—The judgment in this case which has already run to 75 pages, is not yet ready. There is a good deal more to be written. To-morrow the Court will be closed on account of Her late Majesty's funeral and the day after is Sunday. The case is therefore adjourned till Monday the 4th February, when I hope to be able to deliver judgment at 11.30 a.m. I note that I have received no reply to either of my telegrams to the Chief Secretary to the Local Government.

Exhibit X21 (letter from Under-Secretary to Government of Bengal, forwarding Government of India's Resolution on the Chupra case) has been filed with the record.

A. Pennell,
Sessions Judge.

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21. The 4th February, 1901.—I have left the order-sheet of the case at my house, so have to write this on a separate paper.

The judgment which has already run to 118 pages is not yet finished and will probably take some days more. As I shall have to deal with some very delicate matters and some people in very high positions, it is necessary that I should avoid any hasty expressions. The case is therefore adjourned to Thursday next, 7th February, when I hope to deliver judgment at 11.30 a.m.

Read letter No. 259, dated 1st February, 1901, from the District Magistrate, asking about what date he can send men to take copies. Replied that I will supply him with copies myself, and that they will be supplied with as little delay as possible after judgment is delivered.

Filed Exhibit X22 (letter from Mr. Cargill. the District Magistrate) enquiring if I had expressed a certain opinion as to the reason of his recent absence from headquarters and Exhibit X23 (copy of my reply).

Let the District Magistrate be informed that I desire that any application he may wish to make to me with reference to this case or to his proceedings during the trial may be made to me through the Government Pleader in open Court.

A. Pennell,
Sessions Judge.

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22. The 4th February, 1901.—Read letter No. 67, dated the 4th February, 1901, from the District Superintendent of Police—let the letter and the envelope in which it came (marked by me) be filed. Despatched letter No. 52 to the District Magistrate requesting him to direct Mr. Reily to obey the orders of this Court.

A. Pennell,
Sessions Judge.

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23. The 7th February, 1901.—Yesterday the Government Pleader sent me an application for certain copies "under instructions from the District Magistrate." I replied by Memorandum No. 54 of that day.

To-day the Government Pleader on being questioned stated that the presentation of the application to my Office yesterday instead of filing it in open Court was a mistake of his own. He admitted that the *Serishtadar* at first declined to receive the application.

Judgment is not yet ready. It has already extended to 165 pages (approximately) and will probably run to 70 or 80 pages more.

The case is therefore adjourned for judgment to Monday, the 11th February, when I hope that the judgment will at last be finished. I intend delivering it then at 11.30 a.m.

Mr. W. Y. Reily will execute a personal recognizance bond for Rs. 500 (five hundred) to attend this Court on the 11th instant and on any subsequent date to which this case may hereafter be adjourned.

A. Pennell,
Sessions Judge.

(It is noted that Mr. Reily is not now, 12.10 p.m., in attendance. He was sent for half an hour ago.

A. Pennell,
Sessions Judge.

The 7th February, 1901.

N. C. Guha.

The 7th February, 1901.

R. K. Aich.

The 7th February, 1901.

He arrived at 12.15 p.m. and executed the recognizance bond which was attested by the Senior Munsiff Babu Lalit Kumar Bose who, under my orders, was present throughout this day's proceedings.

A. Pennell,
Sessions Judge.

The 7th February, 1901.

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24. The 11th February, 1901.—I am ill with my usual complaint and do not therefore attend Court. I have no doubt I shall be all right by to-morrow. Judgment is not yet quite finished, and I want to look through it before delivering it. The case is, therefore, adjourned, and the accused remanded till 15th instant.

A. Pennell,
Sessions Judge.

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25. The 15th February, 1901.—Judgment delivered. The accused Yakub Ali is acquitted and set at liberty. The accused Sadak Ali, Aslam and Anwar Ali are convicted of murder under Section 302, Indian Penal Code. Sadak Ali is sentenced to death and Aslam and Anwar Ali to transportation for life. The accused Sadak Ali has been informed that he must appeal to the High Court, if he desire to do so, within seven days.

Mr. Reily has been arrested and is committed to jail on charges under Sections 193, 466 and 471. Enquiry into the case against him will commence on the 25th instant.

The other witnesses for the defence must appear to-morrow, when necessary action will be taken. It is too late, 6.5 p.m., to take proceedings to-day.

A. Pennell,
Sessions Judge.

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26. The 16th February, 1901.—Formal proceedings drawn up against Mr. Reily. The defence witnesses, Bharat Chunder Mojumdar and Afsaruddin, are discharged. The witnesses Amjad Mir and Ali Manjhi will give bail of Rs. 200. Each to appear before the Magistrate to answer to charges under Section 193 of the Indian Penal Code. The witnesses Islam Manjhi and Chand Mir will give bail of Rs. 200. Each to appear before either the Magistrate or the Court of Sessions to answer to charges under Section 193 of the Indian Penal Code. It is doubtful if they can be adequately punished by the Magistrate, but the state of the file of this Court is such that it will be difficult to make time to try them. The witnesses Kisto Chandra Bhadra and Mohim Chunder Mozumdar are Police Head Constables: it is necessary, in my opinion, that they should be committed to the Sessions, but as I am about to take proceedings in the capacity of Committing Judge against Mr. Reily, and their case is mixed up with his, it may perhaps be desirable that I should not try them myself. It is also highly probable that an Additional Sessions Judge will be sent here before long. It is, therefore, ordered that these two witnesses do give bail of Rs. 300, each to appear when called upon before the Court of Sessions to answer charges under Section 193, Indian Penal Code.

A. Pennell,
Sessions Judge.

The 16th February, 1901.

CHARGE SHEET.

Charges with One Head

(Sections 221, 222, 223, Code of Criminal Procedure.)

I, Kali Sankar Sen, Deputy Magistrate, hereby charge you, No. 1, Sadak Ali, No. 2, Anwar Ali, No. 3, Aslam, No. 4, Yakub Ali, as follows:—

That you, on or about the 25th day of August, 1900, at Chur Uria, did commit murder by causing the death of one Islam Jagirdar and thereby committed an offence punishable under Section 302 of the Indian Penal Code and within the cognizance of the Court of Sessions.

And I hereby direct that you be tried by the said Court on the said charge.

Explained.

All the accused plead not guilty.

Kali Sankar Sen,
Magistrate.

Dated at Noakhali,
The 7th day of December, 1900.

LIST OF WITNESSES.

Number of Prosecution Witnesses.

1. Idris Mia.
2. Hosan Ali.
3. Torap Ali.
4. Islam.
5. Abdul Aziz.
6. Mahabbat Ali.
7. Abdul Aziz Mir.
8. Rajab Ali.
9. Abdul Mir,
10. Ahamedulla.
11. Saroda Mohun Chuckerbutti.
12. Babu Binod Behari Pal, Engineer.
13. Babu Nobin Chunder Dutt, Civil Medical Officer.
14. Babu Kali K. Das, Pleader.
15. Abdul Latif.
16. Ana Mir.
17. Ramdhan Barua.
18. Haridas Das.

Number of Defence Witnesses.

1. District Superintendent of Police.
2. Bharat Chunder Sen, Police Inspector.
3. Osman Ali, Sub-Inspector.
4. Krishna Chunder Bhadra, Head Constable.
5. Mohim Chunder Mazumdar, Head Constable.
6. Safar Ali Master, Muktear.
7. Joshada Kumar Roy, Muktear.
8. Mahomed Amjad Mir, Panchait.
9. Hamidulla Mir.
10. Abu Salam.
11. Roshan Ali Chowkidar.
12. Gobind Churn Mohajan.
13. Eakub Ali.
14. Asrap Ali.
15. Mahomed Kolim Mir.
16. Shadak Ali.
17. Ali Manjhi.
18. Emrat Ali.
19. Abdul Majid.
20. Box Ali.
21. Roshan Ali, Patwari.
22. Fajar Ali.
23. Ibrahim.
24. Wali.
25. Kalamuddin Bepari
26. Jita Mir.
27. Umed Ali.
28. Abdul Majid Mir.
29. Amoarullah.
30. Abdur Rahman.
31. Tuka Mir.
32. Karamat Ali.
33. Abdul Aziz.
34. Abdul Karim.
35. Ismail Manjhi.
36. Boxi Mia.
37. Eakub Ali Manjhi.
38. Muslim.
39. Apsaruddin Bepari.
40. Ujjir Ali.
41. Abdu Salam.
42. Hosan Ali.
43. Aslam Jagirdar.
44. Mahomed Ennos Amin.
45. Ekramuddin.
46. Chand Mir Khalifa.
47. Fajalur Rahman.
48. Abdul Karim Bhuya.

Kali Sankar Sen,
Deputy Magistrate.

DEPOSITIONS OF WITNESSES FOR PROSECUTION.

I.—Idris Mia.

The deposition of prosecution witness No. 1, aged about 17 or 18 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 7th day of January, 1901.

My name is Idris Mia. My father's name is Ismail Jagirdar. I am by caste Mussulman. My home is at Mouzah Chur Uria, Police Station Sudharam, Zilla Noakhali. I reside at present there, where I am taluqdar.

On the 9th Bhadro I was at home. My father was at home that morning. At 8 or 9 a.m., he started from home for Sudharam to attend Court. I saw him go. Our home is four miles from the town (Sudharam). He did not come home that night. Early next morning, a Sunday, I saw his dead body floating in the tank which is east of our *bari* and at the entrance to it. I had gone to the tank to wash my hands and face. On seeing my father's dead body I burst into tears. Naimaddin Miji, Abdul Aziz and Islam and many others came to the place. Islam and Abdul Aziz are different persons from my witnesses of those names. I wanted to take my father's body out of the tank. Osman Chowkidar came a little after—I mean that the persons I have named and many others came before him. Osman told me not to take up the dead body till the Daroga came. Osman told me to go to the Thana and lodge information. I went to the Thana. Naimuddin Miji, Emdadulla and Yakub Ali, and Osman Ali Chowkidar went there with me. Yakub Ali is accused No. 4 in the dock. On the way they told me to say at the Thana that my father was dead, but that I made no charge against any one. It was Osman Ali Chowkidar, Emdadulla and Yakub Ali who told me this. When we got to the town they asked me if I were going to lodge information as they advised. I said what can I do. They then told me if I had any doubt to consult a *mukhtear* and be guided by his advice. It was Yakub Ali who told me to consult a *mukhtear* and Osman Ali Chowkidar said the same. They took me to Ashraf Ali, *mukhtear*.

By the Court: There was no talk as to which *mukhtear* should be consulted—when I say "they" took me to Ashraf Ali I mean all four.

In-Chief: On the way to the *mukhtear's* we met Sadak Ali. He is accused No. 1 in the dock. We went to the *mukhtear's* lodging and saw him there. The *mukhtear* Ashraf Ali told me to lodge information as I had seen. From the *mukhtear's* lodging I went to the Thana and lodged information there. It was taken down by Osman Ali Daroga. The four men accompanied me from the *mukhtear's* to the Thana. Sadak Ali was not with us, he did not go with us to the *mukhtear's*. The *mukhtear's* lodging is at Mandiagona (a quarter in this town). It was 7 or 8 a.m. when I lodged information. The signature to Exhibit 1 (First Information) is mine: that is the information I gave (on its being read over the witness says) it is correctly recorded. After I gave information the four men left me and went elsewhere. I myself went home. I did not notice where the four men went after we came out of the Thana. Soon after my return home a constable arrived. I don't know his name, he was a Hindu. At first I saw one constable only. Afterwards I saw two. After the arrival of the two constables, my father's body was taken out of the tank by one of the constables Jinnat Ali and Lashkar. I do not remember whether the other constable was present at the time. When the body was taken out I saw that the skin on the throat had disappeared, the forehead was swollen and discoloured, the skin just behind the two ears was abraded and reddish, and the left eye was gouged out, and there was a red mark like blood on the lower part of the male organ (penis) on one side. I saw other marks of violence, but did not notice them particularly as I felt faint and began crying. A constable and I accompanied the dead body of my father to the Noakhali Hospital. It was a Hindu constable. It was 2 or 3 p.m. when we got to the hospital. The doctor held a *post mortem* examination. I identified the corpse as my father's. The doctor examined the body a *ghari* or two (one *ghari*=24 minutes) after we brought it. After the examination was over I sent my father's corpse home by Keramat Ali, my cousin's (*chachato bahin's*) husband who had come to the hospital with me and myself went to the Thana and lodged a second information there, who recorded this second information I do not remember. It was night when I lodged the second information, it was 10 or 12 p.m. The signature to Exhibit 2 is mine, that is the second "first information" which I gave (on its being read out to him the witness says) it is correctly recorded. When I was giving information, the Daroga told me to name a few of the persons with whom my father had enmity (volunteered). After lodging this second information I went home. Next morning at 7 or 8 a.m., Osman Ali Daroga came to our house. I went with the Daroga to the houses of these four accused in the dock, of Abdul Karim, of Emdadulla and of Amiruddin. Amiruddin, Abdul Hakim and Yakub Ali live in the same *bari*. In none of these *baris* did we find either the house owners or any one else. It was that morning that we went to those *baris*, that Monday morning. We also went that morning to the *bari* of Osman Ali Chowkidar, but found neither him nor any one else there. That Osman Ali is the same man who went with me to the Thana. Osman Ali Daroga was in our village investigating for 12 or 14 days. The accused came back six or seven days after—after the day we went to their homes. Osman Ali Daroga did not arrest or *chalan* any one. I presented a petition to the Magistrate Sahib. The signature to Exhibit 3 is mine, that is the petition which I filed. (The petition was here translated in Bengali to the Assessors, and the witness on being asked, said) yes, that is the petition I filed. After I filed that petition the Police Sahib made an investigation—he examined witnesses. He went to the mufussil, but he examined the witnesses here. The District Superintendent did not *chalan* or arrest the accused. Mathur Babu, the Inspector, *chalaned* the accused. I know Amzad Mir and Hamida Thaka. They were in our village the whole time the Daroga was there. They do not live in our village. Amjad lives 2 or 2½ miles off and Hamida one mile off. They were looking after the case on behalf of the accused. They would go to the houses of the accused and come back and whisper to Osman Ali Daroga. Osman Ali Daroga's daughter is the wife of Amjad Mir's son. Amjad is Hamida's uncle (*chacha*). I know the houses of these four accused. Sadak Ali and Aslam live in the same *bari*, they are cousins (*chachato bhai*). Their *bari* is 30 or 40 cubits south-east of our tank—of the tank in which my father's corpse was found. Anwar Ali's *bari* is 25 or 30 cubits to the south of the tank. The house of Yakub Ali is a kani or a kani and a half (one kani = say 100 yards) to the north-west of the tank. Sadak Ali, Aslam and Anwar Ali are our tenants. They were on bad terms with my father. They won't pay their rent. Sadak Ali has paid none for five or six years. My father sued to eject him and Aslam, but lost the case. He then brought an enhancement suit against them and got a decree. I made a mistake—my father did not lose the ejectment suit, he got a decree for ejectment, but the defendant's took a *nim-howla* settlement from him and stayed on. The enhancement suit related to the same land of which they had taken *nim-howla*. My father let out three koras of land to Sadak Ali, and as the latter would not give it up my father took possession by force. That was a month or a month and a half before his death. A little while after we took possession Sadak Ali came to the land and said, "you have not taken lands, you are digging your own graves." The day before my father started from home for the last time, the Friday, three cattle of Sadak Ali ate our paddy. My father and I went near to seize them—whether my father actually laid hold of any or not I forget. Sadak Ali and Aslam came up and threatened us, and out of fear we came away. Sadak Ali said, "you have taken the land once, this is your last time." Aslam abused us. My father brought a criminal case against Sadak Ali, Abdul Hakim, Abdul Karim and Amiruddin —it was for assault. Sadak Ali was fined in that case. Abdul Hakim, who was accused in that case, is brother to the present accused Yakub Ali. My father brought another assault case against the same four persons and Yakub Ali. The first criminal case was three or four years ago; the second two years ago. The latter case was dismissed.

At this stage the Court adjourned for the day.

A. Pennell,
Sessions Judge.

The 7th January, 1901.

The 8th January, 1901.—Case taken up again and examination-in-chief of witness resumed. My father brought rent suits against the accused Aslam and Anwar Ali; those suits are still pending. They have pleaded payment. They filed their written statements in my father's lifetime. I know Jahiruddin; he is uncle (*chacha*) of Yakub Ali, accused. My father brought a suit against him on a mortgage bond and got a decree; he bought Jahiruddin's *bari* at the execution sale, but Jahiruddin, Amiruddin, Yakub Ali and Abdul Hakim forcibly opposed his taking possession. My father thereupon brought a title suit against those four men and got a decree. This was three or four years ago. My father took possession of the *bari*, but Jahiruddin's son Amiruddin subsequently cut and took a tree from the land. My father brought a criminal case and Amiruddin was fined. About two years ago I was assaulted on going to that *bari* by Abdul Hakim and Yakub Ali, accused. I brought a criminal case and Abdul Hakim was sentenced to a week's imprisonment and Rs. 10 fine. That Abdul Hakim is Yakub Ali's brother. The same day that I was beaten, Abdul Hakim, Yakub Ali and Amiruddin cut and carried off some paddy from our land. For that my father brought a criminal case, and Abdul Hakim was imprisoned for a week and fined Rs. 20. After we took possession my father brought a suit for *wasilat* (volunteered) and got a decree. One Esuf brought a cattle theft case against my father at the instigation of these accused, and the accused Sadak Ali gave evidence for the prosecution. My father was acquitted. Sadak Ali is *mamu* (maternal uncle) of that Amjad Mir whose son has married Osman Ali Daroga's daughter (who is Osman Ali's *biai*). Ali Manjhi is uncle (*chacha*) of Yakub Ali; that Ali Manjhi is *mamu* (maternal uncle) of Osman Ali. Abdul Karim, who is an accused in this case, is Osman Ali Daroga's *mama sasur* (wife's uncle). Abdul Halim,(?) one of the accused, is nephew (*bhatija*) of Amjad Mir. Karim Buksh, accused in this case, has married the niece (brother's daughter) of Hamida. I made no search or enquiry for my father on his failing to return home, as I thought he must be staying with some one. There was rain that evening—the 9th Bhadra—from a little before to a little after sunset.

Cross-examined: The rain stopped about two *gharis* after sunset. It was not quite dark then. I was inside the house so did not notice the condition of the sky afterwards, but so far as I could see, it was clear. I don't remember if there was high wind (*tufon*), but there was rain. I don't remember my father's ever failing to return before. He used as a rule whenever he went to town to come back the same day, but it may now and then have happened that he stayed behind. I have no adult male relation in our village, but I have my sister's husband, Yakub Ali, living at Dharmapur, four miles from our village. I have another brother-in-law Aliullah, living on the race course (a piece of ground close to Sudharam). Aliullah's father Wazuddin Khalifa is living. It is not true that Aliulla and Wazuddin live with us or stay with us on long visits—they come to us occasionally for a few days. There is no one in the village on our side, they are all against us. There are 14 or 15 *baris* in our village, they all belong to us, but the occupants are all against us. In the whole village (=village lands) of Char Uria, there are many houses—perhaps 500; the occupants are neither our friends nor our enemies. I did not send word to anyone in the morning on seeing my father's dead body. We have no enmity with Abdul Aziz, Kamil or Romjan Ali. They do not live quite close to us, they live 8 or 10 kanis off—all three of them. They all live in one *bari*; there are two *baris* intervening between ours and theirs. It is not the fact that Abdul Aziz and Kamil are my *khalato bhais* (cousins); they are no relation at all to me, nor is Romjan Ali. I did not inform them of finding my father's body. I did not tell anyone.

By the Court: When I saw my father's body it was floating face downwards. Only the head and back were visible. I did not at that time see any mark of violence.

Cross-examination: I was going down into the water to see the body, when Osman Ali forbade me. I cannot say if any of my witnesses was present when he so forbade me. I suspected even then that someone had killed my father. I did not suspect all the villagers of having killed him, but I suspected some of them. I did not go to Aliullah's house on first coming to the town. I saw Aliullah that day at the Thana, but whether before or after I first lodged information I don't remember. I don't remember consulting with him as to what I should tell the Police. The four men who accompanied me, after telling me not to accuse anyone, took me to Ashraf Ali the muktear. I don't remember that I told the muktear of my suspicions.

By the Court: I was not previously acquainted with Ashraf Ali.

Cross-examined: I did not appoint Ashraf Ali my muktear in the Lower Court—Jashada Babu was my muktear. I knew some other mukteārs in the town before that day. I knew Jashoda Babu. I did not know the Bhulua Raj Muktear Basanta Babu. Among others I knew a muktear called "Ginhaja." I did not know any other mukhtears well. I went to Ashraf Ali's lodging in preference to theirs because the four men took me there. I never saw Ashraf Ali Mukhtar at our house before this occurrence. I did not consult anybody before lodging my second information at the thana. I went home from the thana with Aliullah. I don't remember what time it was when I got home. That was after lodging my first information. I don't remember whether Aliullah and I reached my home before or after the constables arrived there. No one at my home advised me to lodge the second information. I lodged it at the instance of the Daroga—of Osman Ali. I met Osman Ali at the thana. I went there with the body. I would have given *ijahar* again even if the Daroga had not told me to—I would have done so of my own motion. When I gave the first information I had not my wits about me. It was night when I got away from the hospital, it was 6 or 7 p.m. I don't remember if I went to the thana myself or if any one took me there.

By the Court: I don't remember whether I went to the thana that second time alone, or if anyone went there with me.

Cross-examined: Osman Ali Daroga took up his quarters at our house when he came to investigate. Afterwards he went to Naimuddin Miji's. I forget how many days he was at our house. He was six or seven days at Naimuddin's. I can't say how many days he was there—five or seven days. I was at home five or seven days he was there. After he went to Naimuddin's I went and looked after the case there. I did not bring any of the witnesses to the Daroga, they came of themselves. I don't remember if Aliullah was present or not during the five or seven days the Daroga was at our house. There was no one to look after the case on my side. When I filed Exhibit 3 before the Magistrate, at that time I went to Nunda Basi and Nunda Kumar. Those two men did not conduct the case on my behalf before then nor did Sadak Ali. I did not see any of those three men present before the *daroga* between the Monday when he arrived and the following Thursday. I don't remember their being present on the Friday. Bharat Babu, the Inspector, came to our village how many days after Osman Ali I cannot say. I saw the Inspector fishing two or three days in the tank of Abdul Hakim, accused. I can't say how many days he was in the village. The Police Sahib came to our village one day, but I can't say which day or in what part of the week it was. Between the Monday and Thursday the *daroga* examined some witnesses. I was not present at the examination throughout. Many witnesses were examined on those four days. I saw many examined. Some of them I did not know before. I saw Torap Ali depose during those days. I also saw Hosan Ali depose, but was not present throughout his deposition. I did not know Islam at the time, and can't remember if he deposed or not on any of those four days. I do not remember Abdul Aziz deposing or Mohabat Ali, or Abdul Aziz Mir. I did not see Rajab Ali depose, Abdul Mir did depose. I did not see Mahomedulla deposing, nor Abdul Latif, nor Ana Mir. I knew Torap Ali before, but not Hosan Ali. I knew Torap Ali through his deposing in a case of ours, he did not visit our house nor I his. It was the cattle theft case—he deposed for my father in that case. He gave evidence because he knew our cattle, the cattle which were the subject of the case. He knew them as they used to be taken close to the entrance of his *bari*. I don't remember what was done when the witnesses were examined by the Police, whether when one man was deposing other witnesses were kept away, or if they were allowed to be present. Other people were present besides the witness under examination. I was in the cutchery hut, and Torap Ali was examined under a tamarind tree. I was three or four nuls from him, about 30 cubits. It was 10 or 11 a.m. when Torap was examined—Hosan Ali also deposed at that time, a little after Torap. There were four or five other persons present, when Torap deposed—among them were Chatur Ali and Abdul Mujid (the witness at first said "Abdul Majid may have been there"). I forget who the others were. Chatur Ali and Abdul Majid are residents of Chur Uria—they have no connection with us. The constable called all the villagers, and so Torap Ali and Hosan Ali were called—it was not at my instance. They live a mile from me. I met those two men one day, after they had been examined, and they told me what they had said. I forget how many days that was after their examination. It was before I petitioned the Magistrate. I made Hosan Ali's acquaintance for the first time on the day when he told me what he had said before the *Daroga*. The Police Sahib asked me for the names of my witnesses. That was before* I petitioned the Magistrate, but I can't say how many days before.* I don't remember whether or not I learnt the names of any other witnesses before petitioning the Magistrate. I don't remember whether or not I gave the names of those two witnesses to Joshoda Babu when I got him to write Exhibit 3. Nunda Basi was with me when Joshoda Babu wrote the petition. I don't know Nunda Basi to be a tout (torni)—so far as I know he is a gentleman. I don't remember the Police Sahib telling me, on the day when I petitioned the Magistrate, to produce my witnesses the next day, nor do I remember the Magistrate telling me to produce my witnesses before the Police Sahib. I appeared one day before the Police Sahib after filing my petition, but how many days after filing it I forget. The Police Sahib did not examine me that day, so far as I remember, I may have given him the names of Torap, Wasil, Abdul Karim and Ismail. I gave him the names of Wasil and Abdul Karim to prove enmity, and of Ismail as being an eye-witness. I learnt that Ismail had witnessed the occurrence before I petitioned the Magistrate. I don't know Ismail's father's name. Ismail told me that he deposed before the Daroga. He told me that before I petitioned the Magistrate, the Ismail whose name I gave to the Police Sahib has been examined in this case; he lives at Chur Uria. I made his acquaintance the day he told me of his having deposed. He lives three-quarters of a mile from our house. There is an Ismail whose house adjoins ours on the west. I did not accuse him in this case, but I have enmity with him. I call the man who has deposed in this case Ismail, not Islam. I know his name because he told it me. I don't remember whether he said it was Ismail or Islam, but I call him Ismail. When I gave these names to the Police Sahib, he told me to give a list of the other witnesses. I afterwards gave such a list—how long after I don't remember. I don't remember how many names the list contained. I got their names by enquiring—by enquiring generally. Osman Ali Daroga went to the houses of all the accused, not of three only. He went to all the houses in one day. It was not Tuesday when he went—it was Monday. It was Osman Ali who went to the houses, not Kisto Bhadra. I went with Osman Ali. So far as I know Kisto Bhadra did not go to their houses. I did not see him. Sadak Ali and Aslam did not appear on the Wednesday. It is not the fact that all the remaining accused appeared before the Daroga on Thursday or Friday. I don't remember the Police Sahib's coming on the Tuesday after the occurrence. It was in the day-time that the Police Sahib came, but I forget whether before or after breakfast. I don't remember Torap Ali saying anything to me about his deposition the day he deposed before Osman Ali, nor do I remember his saying anything about it before he deposed. I do not remember whether or not any one told me that Torap Ali and Hosan Ali knew about my father's murder. I know Atar Ali of Chur Salla. He did tell me one day that Torap Ali and Hosan Ali had told him they had seen my father being dragged along. He told me that before I petitioned the Magistrate. I don't remember giving Atar Ali's name to the Police Sahib. I don't remember how many years ago my father brought the case against Sadak Ali and Aslam. I did not conduct that case or depose in it, but I have seen the judgment, I don't know of it personally. I don't know personally about the enhancement suit. I know personally of some of the cases I have mentioned. My father did not bring any case against Sadak Ali for threatening him a month or a month and a half before the occurrence. Nur Mir was present when the threat was used. He is not a witness in this case. We did not complain about Sadak Ali's cattle damaging our paddy. We did not complain as they had all combined together. We did not complain of Sadak Ali's threat that this was our (last time), because we knew no one would give evidence for us. There were other people on the road on that occasion, but I forget who they were. My father has not had any cases lately with his other ryots, besides those I have mentioned. I don't remember his having any cases with them. My father was a peon and jagirdar of the Bhulua estate. He used to serve notices and proclamations on the tenants of that estate, and act as identifier. He was cited as a witness every now and then.

* Corrected on reading over to "after."

A. PENNELL.

The 11th January, 1901.

At this stage the Court adjourned for the day.

A. PENNELL.
Sessions Judge.

The 8th January, 1901.

9th January, 1901.—Case taken up, cross-examination of witness resumed. Besides my *talai* (sister's father-in-law) Wazuddin Khalifa, I do not remember that any relative of mine was at our house during the period Monday to Thursday at the beginning of the investigation. My sister's husband Aliullah may have been there too—yes, he was there. I forget whether he went to the house of any of the accused when they were searched for on the Monday. It is not the fact that Osman Ali and I went to some of the houses and Kisto Bhadra, head constable, and Aliullah to others. There was a head constable named Kisto Bhadra present at the investigation. Yes, he was present that Monday. I don't remember whether or not he went with the Daroga. I saw him at our *bari*, but what he did I don't know. It was on the way that the four men told me not to accuse anybody. It was in Naimuddin's presence that the other three men told me not to accuse anybody. Amjad Mir is not the *panchayet* of our village. I do not know whether he is *panchayet* of Salla. I don't know as to the respectability of Amjad. Amjad is the son of Sadak Ali's father's sister. I don't know that sister's name. I don't know who was the father of Amjad's mother, or where she originally lived. I have seen Sadak Ali's wife taken to Amjad's *bari*, they visit each other. I have seen Amjad's wife go to Sadak Ali's *bari*. I can't say what her age is—her complexion is fair. I don't know her name. Ali Manjhi and Yakub Ali's father are first cousins. Osman Ali Daroga has married the daughter of Sona Gazi, of Chur Durbesh. I don't know where Sona Gazi married. I don't know where Osman Ali Chowkidar's mother came from, or who her father was. Abdul Hakim and Yakub Ali are brothers. Akbar is the son of Abdul Karim's mother's sister. Abdul Karim's mother comes from Chur Durbesh. I don't know her father's name. I don't know the name or residence of Osman Ali's mother's father, but I know she is Ali Manjhi's sister (*bohin*). What sort of *bohin* I can't say. I have been to Chur Durbesh. I went once when I was very young to a party (*nimantran*) at Osman Ali Daroga's father-in-law's, but I am not related to him. The father-in-law's house is a mile or a mile and a quarter from ours. I have been to Ali Manjhi's house. They are three brothers. I don't remember the names of the other two. I remember two sisters of Ali Manjhi. One of them is married to Riazuddin. I don't know the name of the other one's husband, nor do I remember where he lives. Riazuddin sometimes stayed at Osman Ali Daroga's house. I have never been to Osman Ali Daroga's house. I saw Riazuddin there two or three years ago. The accused live close to our house, and I have known from the first all along that they were related to Osman Ali Daroga. The Inspector Bharat Babu one day asked me who I was, and someone said I was the murdered man's son; that is all Bharat Babu or the Police Sahib ever asked me. The Police Sahib came to my *bari* one day before I petitioned the Magistrate and asked me something, but what it was I forget. I don't remember seeing Bharat Babu in our village more than two or three days. I do not know of his making any enquiries about this case at Peshkar's Hat. I was not acquainted with Bharat Babu before. Bharat Babu did not make any investigation. I don't remember telling him of the relationship between Osman Ali and the accused.

Re-examined: I could make out it was my father's corpse from the neck, head, and back. Atar Ali, of Salla, whom I named in my cross-examination, is dead.

By the Court: Atar Ali died about three months ago so far as I remember. It was after I petitioned the Magistrate—about 15 or 20 days after. When my father left for Sudharam on the morning of the 9th Bhadro, he was wearing a black-bordered *dhuti*, a white coat (*piran*) and a sheet: he had an umbrella and a hat. He had some papers in his pocket. I don't know if he had any money. When he was found floating in the tank, he had on only the black-bordered *dhuti*. I have never got back or seen any of the other articles he had with him. I searched the tank for them. After coming out of the hospital I sent off my father's body. I then went to the thana. I took the body to the hospital in a bullock-cart—Mohabat Ali's bullock-cart. Mohabat Ali came with the cart. I sent back the body in the same cart. Mohabat Ali went back with it. He was outside on the grass while the body was being examined. Karamat Ali was in the hospital. I did not go anywhere else after sending the body off. I went straight to the thana, but the Daroga was not there, and I had to wait for some time. I say it was 10 or 12 p.m. when I lodged the second information, because I heard the clock strike—the Collectorate clock. I heard it strike ten or eleven. I remained sitting at the thana for two or three hours. I went to Nanda Kumar and Nanda Basi, to consult them, as they were men of respectability of our quarter. Nanda Kumar and Nanda Basi are the same person, not different person, his *bari* is in Chur Uria, about a mile and a half from our house. I did not know him before this case. I went of my own accord to consult him as he was a *bhadralok*. He is a talukdar and has cultivation. Ismail, our next neighbour, belongs to the party of accused, he belonged to their party even before this case. I say that on account of his conduct; he went with the accused and was not obedient to us. He was not our *ryot*. I have never seen him depose for the accused or against us in any of our cases. He is not related to us. Aliullah went back to my home with me after I lodged the first information. I don't remember his coming to Sudharam with the dead body. I found Wazuddin already at my house when I returned there after lodging the first information.

NOTE.—This lad is decidedly intelligent.

A. PENNELL,
Sessions Judge.

The 9th January, 1901.

By the Court (at request of accused's pleader): I searched in the tank as far as I could go without the water being over my neck, and also searched with a bamboo. I have seen Nunda Basi in Court at times during my examination. His full name is Nanda Basi Das.

Explained to the witness in Bengali and admitted to be correct.

A. Pennell,
Sessions Judge.

A. Haider,
Sessions Clerk.

The 10th January, 1901.

16th January, 1901.—Re-called and further examined-in-chief (at suggestion of Court). I know the witness Mohabbat Ali. He has not appeared in this Court. As he failed to appear I tried to get him. I went to his house two or three days. I did not find him. The last time I went was on Monday, this last Monday. I searched for him. I made enquiries at his house. I saw his father and asked the latter where he had gone.

Not cross-examined.

Explained to the witness in Bengali and admitted to be correct.

A. Pennell,
Sessions Judge.

The 16th January, 1901.

II.—Hosain Ali.

The deposition of prosecution witness No. 2, aged about 40* years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. Pennell, Sessions Judge of Noakhali, this 9th day of January, 1901.

My name is Hosain Ali. My father's name is Mohamad Kamil. I am by caste Mussulman. My home is at Mouzah Char Uria, Police Station Sudharam, Zilla Noakhali. I reside at present there, where I am cultivator.

I knew Ismail Jagirdar. On the 9th Bhadro last I went to Bellew Saheb's *hât*. I started from the *hât* about two *dundas* (48 minutes) after sunset to return home. One Torap Ali accompanied me. We had got close to Ismail Jagirdar's *bari* when I heard a cry of "*mago*" ("oh mother") from a distance of 17 or 18 cubits. That place is east of Ismail's Jagirdar's house. His house faces east. Torap Ali and I went forward towards the direction of the cry. I saw Sadak Ali holding the Jagirdar Ismail by the throat. I mean this accused Sadak Ali. This accused Aslam was holding Ismail by the waist and arms and this Anwar Ali accused was holding him by the legs. They were carrying him towards the west. We were advancing towards them when six or seven persons came from the west and said "seize them." They said nothing else but "seize." Out of fear we went off homewards towards the south. I could not recognise any of the men who came from the west. The place where I saw Ismail Jagirdar being carried is about a kani to the east of his tank. This was about four or six *ghoris* after sunset. There were flashes of lightning and also star light. On our way home we called to Osman Ali Chowkidar, whose house is south-east of the road. His mother spoke to us. Osman Ali himself did not answer us nor did I see him. We called out to other people on our way who live in the houses on both sides of the road, but no one answered us. We came across one Atar Ali at the entrance of Har Chandra Dutt's house—we told him about the occurrence. When I got home I told my brother and mother. I did not call to anyone of Ismail Jagirdar's *bari*, because the other men were too many for us. About a *prohar* after daybreak next morning, after tethering my cattle, I was going to Ismail Jagirdar's house. On the way I received certain information from some children. I then returned home. I live a mile to the south of Ismail Jagirdar. I deposed before Osman Ali Daroga during the investigation of this case on Tuesday, the 12th (Bhadro). He examined me at Ismail Jagirdar's *bari*. I told him what I had seen. I also deposed before the Police Sahib on the 27th Bhadro. After my deposing before the Police Sahib one or two days after—I can't say exactly—Osman Ali Daroga threatened me, saying he would put me in jail, and that I should eat from iron plates (used in the jail and (it is said) disliked by prisoners). On the Daroga threatening us eight of us petitioned the Collector. The signature to this petition (Exhibit 4) is mine, that is, the petition we filed. There are two roads leading from Bellew Sahib's Hât to our house. One passes to the west of Ismail Jagirdar's house and the other to the east of it. The one to the west is the shorter. We came by the east road. We went by this latter road, because there are breaches on the western road—one big breach and two or three smaller ones. The breaches are under water and one cannot get through without wetting one's cloth, the water is waist deep. There is a difference of 2½ or 3 *kanis* between the two roads. I did not see anyone of Ismail Jagirdar's household before deposing before the Daroga. I am not related to Ismail Jagirdar, nor do I hold any land under him.

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* Looks older.—A. P.

Cross-examined: At the request of the accused's pleader, the cross-examination was postponed till to-morrow, as he wishes to cross-examine this witness and Torab Ali on the same day. It has struck 4 p.m.

A. Pennell,
Sessions Judge.

The 9th January, 1901.

The 10th January, 1901.—Case taken up. The witness cross-examined. I know Nanda Basi. In these four days I have been in this room. I can't say what has been happening outside, but I have seen Nanda Basi occasionally in Court. He did not come to Court with me to-day. I have had no conversation with him to-day. I can't say whether he conducted the case before the Police. I don't know of his being a tout (*torni*). I am a cultivator and do not know about such things. I can't say whether his land has been sold. His house is four or five *kanis* from mine. After witnessing the occurrence I went for about a quarter of a mile along the village road and then got into the Government road. I have never counted the houses on the way, but there will be 30 or 40 houses on the way between the place of occurrence and my house. I called to a man who sells lime, I don't know his name, who lives south of Sadak Ali, accused. No one answered. I also called out to Amjad, son of Asraf Jemadar, but he also did not answer, nor did anyone else. I also called to one Ahmad Ali, who lives to the south. He did not answer. I called to three or four *baris* in this way. Hosan Ali Chowkidar's house is a little way off the road. I did not call to him. His house is four or five *kanis* from the road. I called to these men from the road. I did not go to their houses. I saw the occurrence from the village road which lies to the east of the tank. The tank is as far from that road as from here to the end of the Court compound (about 40 or 50 yards—I am told it is 45 yards). The men holding Ismail were south of my front (*samne*). The men who called out to seize us were due west of us, they were on a level with us. We did not start back north when they called out, we went straight on southwards. They did not pursue us. I had been to Islam Jagirdar's *bari* a few times, two or four times before this occurrence. I know Imdadullah's *bari*. It adjoins the road by which I passed on the west. There is a road to the south of that *bari* which joins the road by which we came. When I witnessed the occurrence I was, roughly, some 60 or 80 cubits south of the place where those two roads meet. I cannot say whether there is an empty *bari* to the west of Ismail Jagirdar's tank. I don't know Karimuddin. I have never been to Imdadullah's house. I can't say whether there is any path to the west of the tank. I have never been that way. I don't remember whether or not I told my wife about the occurrence. I may have told her. I deposed before the Police Sahib. He wrote it down. I don't remember whether or not I told him that I had not told my mother or wife or any member of my household about the occurrence. I don't remember whom I met next morning. I can't give the name of anyone I met. I don't remember whether or not I met any *matbar* or friend the day after the occurrence. Hur Chandra Dutt is a *matbar* of our village. Hosan Ali Chowkidar and Nanda Thakur are *panchayets*. Hur Chandra Dutt's house is close to the road, but Nanda Thakur's is some way off. I did not go to the house of any of the three to tell about the occurrence. I don't remember speaking about the occurrence to anyone besides my mother, brother and Atar Ali before I deposed before the Daroga. I heard on Monday that the Daroga had come to investigate. I did not go to Ismail Jagirdar's house either on Sunday or on Monday. I went there on Tuesday. A Musalman constable, whose name I don't know, told me to go there. There was only one constable who came. I did not go with him—but a little after. I got to the *bari* about 9 or 10 a.m. I did not call Torap Ali to come with me, nor did I tell the constable to fetch him. The constable told me the Daroga had come to investigate the murder case, and that I was to go and give evidence. When I went there I saw Torap Ali deposing. He was south-east of the *cutchery* hut—he was under a tamarind tree. There were others present—Nur Mir, Atar Ali, Abdul Majid, Abdul Aziz, Haidar Ali, Chutur Ali and others. I don't know Aliullah. I know Wazuddin Khalifa. I did not see him there nor did I see Idris. There were 10 or 12 others present besides those I have named. After Torap Ali's examination was over I was examined. I did not see Nanda Basi or Nanda Thakur there. I did not see among the persons present any *punchayat* or *matbar*. I did not see Hasan Ali Chowkidar. The Daroga took down my deposition on paper. My examination lasted less than a *dondo*—it took less than a *dondo* (24 minutes) for him to examine me and Torab Ali, both. We were examined in the presence of the persons I have named and of the 10 or 12 others. After me the Daroga examined Islam. I did not see whom he examined next, as I came away. The Police Sahib had been and gone away before I came there. I did not see him, but I was told that I did tell Idris about what I had seen. I told him some days after. I did not tell him on that day. I did not see him that day. I did not know Idris before. I knew Ismail Jagirdar, but not his son. I did not tell any other member of Ismail's family either on that day. I told Idris two or three days after—

he was crying on the road north of Peshkar's *Hat*. He was talking to some one and was crying about his father's death. I don't know the name of the man he was talking to. I asked that man who the boy was, and the man said it was Ismail Jagirdar's son. I told Idris that I had told the Daroga what I knew about his father's death. He did not ask my name, nor did I tell him, nor did the man speaking to him ask me. I told Idris that Torab Ali and I had seen the occurrence and had told Atar Ali about it. Salla is a separate village from Chur Uria, but adjoins it. There was rain on the day of occurrence. It rained from sunset till two *ghoris* after sunset. There was starlight (*chat phar*). There were no clouds after the rain stopped. I told the Police Sahib that there was starlight and flashes of lightning. I don't remember whether or not I told him that it was a dark night. There was high wind (*tofan*) with the rain, but it stopped when the rain stopped. I gave the same particulars to the Police Sahib as I have given here as to the parts of Ismail Jagirdar's body held by different accused. I did not tell him anything different. I met Atar Ali at the entrance of Har Chandra Dutt's house. That house faces east, the entrance abuts on the road. I know Afsaruddin's *bari*—it is on the east of this road. The way out of his house (*doroja*) is to the east of his house. I met Atar Ali just at the entrance of Har Chandra's *bari* on the road. The *bari* itself is five or seven *nals* of seven cubits each from that place. Our *bari* is four or five miles from Sudharam as the crow *flies*. I often come to the town, both to buy and sell. Bellew Sahib's *Hat* is four miles from my house. I go there every now and then. I went there that day to get a fishing cage; no one went there with me. I bought a *paral*. I don't know why Torab Ali went there. I met him at the blacksmith's. He brought two ducks (hâs) with him from the *hat*; *parals* are not to be had at Peshkar's *Hat*, but ducks are. The *hat* is held at Peshkar's *Hat* on Sundays and Thursdays. Jagabandhu Doctor's *Hat* is close to my house—it is held on Fridays and Tuesdays. There are a number of fishermen living all round. *Parals* are not to be had at that *hat*. There are a few (*jot kinchit*) *parals* for sale at Kalitara *Hat* in this town. They cost 12 pice (=3 annas) each. I met Torab at sunset. I was waiting on account of the rain. There were others waiting there on account of the rain, but I do not know them. I do not know the blacksmith. I live four miles off. We started from there together two *ghoris* after sunset. No one else of Chur Uria was with us. I may have seen other Chur Uria people at the *hat* that day, but I don't remember them. We came south along the Government road to the *doroja* of Gura Mir. We then turned east by that *doroja*—we then passed southward by the *doroja* of Badruddin Miaji—we went further south by the *doroja* of Ali Mia, the son of Ashraf Jemadar. We then went further south to a banian (*asatha*) tree which is close to Abdul Hakim's house. Then we went east, passed close by Emdadullah's *bari*, and then went south. There is a break near Gura Mia's *doroja*, it is at Badroddin's *doroja*; it will be 20 cubits in length. There is a palm (tal) tree put there to cross by. I do not remember any break at Gura Mia's *doroja*. There is a *khal* to the north of Badruddin's *bari*, it crosses the road from east to west.

By the Court: That *khal* is what I have described before as a break—it is the place where the *tal* tree has been placed.

Cross-examination: There are two small breaks to the north of this *khal*, on the way from Bellew Sahib's Hat. They are not bridged over, but there is only a little water in them. There is a break of 8 or 10 cubits to the south of Ashak Jemadar's house. I know Kalabhanga *dighi*. I do not remember having told the Police Saheb that I was going south by the road which passes to the east of Kalabhanga *dighi*. I don't remember saying that. I did not depose in any case of theft of *pulse* (*kalai*) brought by Renu Mir against the witness Islam. I have not deposed in Islam's defence in any case, he cited me once as a witness in a civil suit at Lakhimpur, but I did not give evidence. I did not depose in defence of the witness Rajab Ali in any case brought against him by Renu Mir. I have deposed in two or three civil suits of Afsaruddin's. I deposed in defence of Muzaffar in a case; he was seized from the road: whether it was a theft case or not I did not ask him. I gave evidence; but whether he was convicted or not I can't say.

Re-examination: I did not go to Ismail Jagirdar's house on Sunday or Monday because I had no need to do so.

By Assessors: I live a mile from the accused. I knew them before the occurrence, but not intimately. I went close to them and so I saw who they were.

By the Court: I went to Bellew Sahib's *Hat* for the *paral* because I had some chilis to sell—two seers of chilis. I sell chilis sometimes at Kalitara and sometimes at Bellew Sahib's *Hat*. Of the two small breaks I have mentioned, one is seven or eight cubits and the other four or five. The water (at that time) was less than knee deep at those breaks.

Explained to the witness in Bengali and admitted to be correct.

A. PENNELL,
Sessions Judge.

A. HAIDAR,
Sessions Clerk.
The 11th January, 1901.

III.—Torap Ali.

The deposition of prosecution witness No. 3, aged about 50 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 11th day of January, 1901.

My name is Torab Ali. My father's name is Buksh-Chowkidar, I am by caste Mussalman, my home is at Mouzah Salla, Police Station Sudharam, Zilla Noakhali. I reside at present there where I am *howladar* and cultivator.

I knew Ismail Jagirdar. I knew the accused before this case. On Saturday 9th Bhadro last I went to Bellew Sahib's *Hat*. I left the *hat* to return home about two *dandas* after sunset. I was accompanied by Hosain Ali the last witness. It was clear when we started for home, there was no storm or rain. We were going south by the road which passes to the east side of Ismail Jagirdar's *bari*. I hear a cry of "*mago*" ("oh mother"). We stepped forward in the direction of the sound. I saw this accused Sadak Ali holding Ismail Jagirdar by the throat; Aslam (this accused) holding him by the arms and waist, and this accused Anwar Ali holding him by the two legs. They were carrying him towards the west. I said to the men "It is not good—are you killing Ismail Jagirdar or setting fire to Chur Uria"? I was three or four cubits off them. We were 17 or 18 cubits off when I heard the cry of *mago*. When I spoke to the men holding Ismail four, five or seven other men threatened us, saying "seize them." I did not recognize any of those men—they were some way off, some 15 or 17 cubits off. It was then six *ghoris* after sunset. When we were threatened we were afraid and went hastily to the south. We called out to Osman Ali Chowkidar at his house. Some one who from her voice appeared to be his mother replied. We also called out to the *chunawala* (limeseller). I don't know his name. People call him the *chunawala*. We also called to Amjad and Ahmad Ali. Of all these persons no one replied nor did anyone else in their houses reply. The houses of the persons I have named are on the two sides of the road we went along. We met Atar Ali on the Government road at the place where Nobin Dutt's *doroja* joins it. I know Hara Chandra Dutt, he and Nobin Dutt live together. I told Atar Ali that Sadak Ali, Islam and Anwar Ali were killing Ismail Jagirdar and asked him to go there. Atar Ali said "I don't like to go—they beat him before." We, Hosain Ali and I, then went home. Hosain Ali lives four or five kanis from my house. I did not go to Ismail Jagirdar's house next day. Ismail Jagirdar's house is about a mile from mine. The morning after the occurrence I went to Ramgopal Shaha's house which is in my village and north of my house to buy seedlings. At the time of going there I informed Karim Buksh, Nanda Thakur and Nur Mia of the previous night's occurrence. I failed to obtain seedlings at Ramgopal Shaha's, and was coming home when I received certain information from Golok Sudra. I then went home and then started from home for Ismail Jagirdar's *bari*. When I got to the north corner of Ulsara *dighi* I met a head constable and a chowkidar. I know the chowkidar, his name is Hosain Ali. I also know the head constable but I don't know his name. Then two men gave me certain information. It was then about 10 or 11 a.m. After meeting these two men I went home. I did not go to Ismail's house on the Monday. I went with some men to remove some trees, which I had bought previously from a *bari* which is close to the river and is being diluviated. Next day, early in the morning, a constable called me to go before the Daroga at Ismail Jagirdar's *bari*. I went and got there about 10 or 11 a.m. I saw there Osman Ali Daroga. I deposed before him. I told him what I had seen. I also deposed before the District Superintendent of Police on the 26th or 27th Bhadro. There are two or three paths from Bellew Sahib's *Hat* to my house. The straight road is broken, it passes to the west of Ismail Jagirdar's house. There are two or three breaks in that road. We went by the road which passes east of Ismail Jagirdar's house. In one of the breaks I have mentioned the water is up to one's waist—in the other breaks there is only a little water. I know Amjad Mir and Hamida Thaka. I saw them present before the Daroga when I was examined. After I deposed before the Police Sahib the Daroga threatened me, saying that he would send me to jail and pour water on my head, and that I should eat from iron plates. I mean Osman Ali Daroga. The two signatures to Exhibit 4 (petition to Magistrate) are mine. It was filed before the Magistrate Sahib by a Mukhtar. I was present at the filing.

Cross-examined: The Daroga threatened me at Peshkar's *Hat* in front of the *mosjid*. He threatened others besides me—Hosain Ali, Abdul Aziz, Mojid, Atar Ali and others. I forget who the others were. This was at two *ghoris* before sunset. There were seven or eight of us there whom the Daroga threatened. We went there because the Police Saheb went to see the road. We and a number of others went. I did not notice who the others, not witnesses, were—Karim Buksh was there and others—Nur Miah was there. There were 15 or 20 others there besides witnesses. This was after the Saheb had left. There were no *bhadralok* there. This threatening was two or three days after I deposed before the Police Saheb. I did not meet the Daroga in that interval, nor do I remember seeing the Daroga between my deposing before him (the Daroga) and my examination by the Police Saheb. I have known the accused Sadak Ali, Aslam and Anwar Ali for five or seven years, no, more than that, I have always known them. They know me too. I have no enmity with them. The accused never came to my house between the time of occurrence and my deposing. No one has come to my house or to me either on complainant's side or on behalf of the accused. No one has ever told me not to give evidence in this case. Before the time when he threatened me at the musjid the Daroga had told me not to give evidence in this case.

I don't remember when he told me that, or where. Abdul Majid and Nur Mia were present when he told me. Those two men are not here. The time when the Daroga told me was a *prohur* (=3 hours) or ten *ghoris* (=4 hours) before sunset. I did not tell the Police Sahib, when I deposed before him, that the Daroga had forbidden me to give evidence. I did not tell any *matbor* of my village of the Daroga's prohibition. I did not tell anyone about it. Nanda Thakur was present when I deposed before Osman Ali—but neither Nanda Basi nor Hosan Ali Chowkidar was there at all events. I did not see them. Haidar Ali, Majid, Renu Mir, Ram Gopal Shaha and others were there. In all there were 15 or 16 persons present. I know Idris. I did not see him that day. I know his brother-in-law Alliullah, he was not then present, nor was his father Wazuddin Khalifa present. There was no one present on plaintiff's side when I deposed. When I had finished giving my evidence and got up to go away, Hosan Ali came forward. I was present during Hosan Ali's examination and then went away. Islom (*sic*) was being examined when I came away. The *daroga* took down my deposition—and all the depositions on Balli paper. I went home straight, without seeing Idris or any other member of that household. I did not see Idris or any other member before I deposed. I did not see any of them between the occurrence and my deposing. I heard crying going on in the house. I saw Idris on Friday at Peshkar's Hât and told him that I had seen his father being murdered and had given my deposition. I asked him what had become of the case. He said the accused had not been arrested. Several other persons were present when I had this conversation with Idris, but they are all strangers to me. I know Nanda Basi. He is not conducting this case. He has not come to this Court during the trial. I have not seen him here. I do not remember having told the Police Sahib that Nanda Basi, Nanda Thakur and Hosan Ali Chowkidar, were present when I deposed before the Daroga. The head constable and Chowkidar told me on Sunday that the body had been taken off. They did not tell me anything else. I was going to Ismail's house because of what I had seen and because I had heard that his dead body had been found in the tank. Golok Sudra told me about Ismail's body having been found in the tank. I had no further conversation with him. As soon as he told me that he went home. Hosan Ali is a *matbor* in our village besides being Chowkidar, his house is a little way off mine. His house is four or five *kanis* from the road by which we came along that night. Har Chunder Dutt is the only *matbor* I know of whose house is just on the road. I did not tell the Police Sahib that I saw Atar Ali at Afsaraddin's *doroja*. Nabin Dutt's *bari* is about a *kani* from the place where I saw Atar Ali—I mean the inner apartments are about that distance. I told the Police Sahib that I met Atar Ali on the Government road at Nobin Dutt's *doroja*. I do not remember telling him that I met Atar Ali half a mile from Nobin Dutt's *bari*. There was no rain while I was coming home from the hât, but after I got home it came on to drizzle. The sky was not clouded at the time of occurrence, it was a clear star-light night. I did not tell the Police Sahib that it was a dark night and raining. I told my wife about the occurrence. On my return that night the Captain Sahib (District Superintendent of Police) and the Daroga examined my wife about that (volunteered). I was *chalaned* in a case by Osman Ali Daroga. I was sentenced to one month's imprisonment and fine. I deposed as a defence witness in a theft case brought against Ismail Jagirdar. That is the only time I have ever given evidence on his behalf. I don't remember deposing in any other case. The case I have mentioned is only one in which I have been convicted. I went to Bellew Sahib's Hât that day to sell betel-nuts. I had 2½ seers to sell, and heard the price was up. Betel-nuts are also sold at Kalitara, Amtali (another *hat* in this town) and at Doctor's and Peshkar's *hat*. The market days at Amtali are Thursday and Saturday. Amtali Hât is three or four miles from my house. Bellew Sahib's Hât may be four miles from my house, it is a little nearer to my house than Amtali Hât. I sold my betel-nuts that day. I bought two ducks (hâs). I did not point out to the Police Sahib the road by the east of Kalabhanga *dighi* as being that by which we came. There are two small breaks in the road by which we actually came, and a larger one over which there is a tâl tree. There is one date (khejur) tree at the place where Ismail was held—there is no other tree close by, but there are other trees eight or nine *nals* (1 *nal*=7½ cubits) off on the bank of the tank—of Ismail's tank.

Re-examination: There is no other adult male member in Idris' house besides Idris himself. When I told Idris on the Friday that "we" had seen the occurrence, I *told* him the name of Hosan Ali—the witness Hosan Ali. The case in which I was chalaned was a case of assault on account of a tree. It was in 1286 B. S. Ismail won the case in which I deposed in his defence. I went to Bellew Sahib's Hât to sell my betel-nuts rather than to any other hât, because I was told I would get a better price there.

By an Assessor: I have never had any case against the accused. I have heard these accused have enmity with Ismail Jagirdar. I have not heard of his having any greater enmity with anyone else.

By the Court: Afsaruddin's *bari* is two or three *nals* from Nabin Dutt's *doroja*.

Explained to the witness in Bengali and admitted to be correct.

A. Pennell,
Sessions Judge.

A. Haidar,
Sessions Clerk.
The 12th January, 1901.

IV.—ISMAIL.

The deposition of prosecution witness No. 4, aged about 30 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 12th day of January, 1901.

My name is Ismail. My father's name is Mohamed Daem. I am by caste Musulman. My home is at Mouzah Char Uria, Police Station Sudharam, Zilla Noakhali. I reside at present there, Police Station , Zilla , where I am cultivator.

I know Karim Buksh. On 9th Bhadra last I went to his house at sunset. His house is a quarter or half a mile from mine. I had a case in the Civil Court in which Karim Buksh was a witness for the other side; there had been talk of a compromise and I went to Karim Buksh's in order to get him to try to bring the compromise about. That case was at Hakimpur. It has since been disposed of. When I left my house that night it was clear, but by the time I got to Karim Buksh's it had come on to rain, with high wind. I returned home that night. The rain and wind lasted about two *ghoris*. I started home from Karim Buksh's about one prohor after sunset. I know Ismail Jagirdar's *bari*. Karim Buksh's house is north-west of Ismail Jagirdar's. My house is a little west of south from Ismail Jagirdar's. I saw four men carrying a dead body from east to west by the southern bank of Ismail Jagirdar's tank. I recognized some of them. They were Sadak Ali, Aslam, Yakub Ali and a man whom I could not clearly recognize owing to his being under cover (tale) of a tree, but who looked like Abdul Halim. Sadak Ali, Yakub Ali, and Aslam are among the accused in the dock (identifies them). There is a ghat to the tank by Ismail Jagirdar's *doroja*. The men were carrying the corpse towards that *ghat*. I saw this from a distance of four or five cubits. There is a narrow path by the south bank of the tank, and they were taking the body along that path. I asked them who they were? They then set down the corpse under a *badir tree*: I was going towards it and asking what it was, when Sadak Ali abused me and told me to be off. The body was placed face downwards, and I could not recognize it as they threatened me. I ran homewards along the road. I had run for about a kani from that place towards the west—my house is west of that place—when I saw eight men conversing together on the road at the place where Naimuddin's *doroja* joins it. Among them I recognised Naimuddin Miji, Imdadulla, Abdul Hakim Kabiraj, I could not recognize the others. Abdul Hakim Kabiraj is own brother to the accused Yakub Ali. I told Naimaddin Miji what I had seen. He said "go your own way rascal, what business is it of yours." I passed by them towards my house. After going a little way I felt frightened. I called to Abdul Aziz from his *doroja*. I called him twice, and then he came and asked what was the matter. I told him all the circumstances. He accompanied me for some distance on my way home. Next morning about one *prohar* after sunrise as I was ploughing I received certain information. I then went to Ismail Jagirdar's house. At his *doroja* I saw his dead body floating in the tank, with the feet to the south and the head to the north. I saw the Jemadar from the thanna there a little while after I got there, the Jemadar took the body out of the tank. I know Amjad Mir, his son, has married Osman Ali Daroga's daughter. I know Hamida Thaka. After the body had been taken up out of the water and when the *surothal* was being written, I saw Amjad Mir and Hamida Thaka near the Jemadar. I beckoned to them to come a little way apart, and when they did so I told them that the night before I had seen the dead body being carried along by the four persons I have named. They said "don't tell anyone now, wait till the Daroga comes and tell him." The Jemadar wrote out the surothal and chalaned the body to the town and I came away. I did not go to Ismail Jagirdar's house on the Monday. We are cultivators and have our work to do. I deposed before Osman Ali Daroga at Ismail Jagirdar's *doroja*. That was on Tuesday. I told him everything. Amjad Mir and Hamidullah were present when I deposed. Hamidullah and Hamida Thaka are one and the same.

Cross-examined: I have never been convicted in any theft case, but I have been fined Rs. 5 for disobedience of summons. I do not remember that Renu Mir ever brought any theft case against me. I do not remember being punished in any such theft case. No *badmashi* proceedings have ever been instituted against me. I was not an accused in the murder case of Robicha Bibi. My house is north-west of Ichakhali Hât. Yakub Ali, accused, lives in the same *bari* as Karim Buksh. I can't say if there is any road passing to the west of Karim Buksh's and Naimuddin's baris and leading south. From Karim Buksh's house I went first south, then east, then turned south again. I came by the road which lies south of Emdadullah's bari and which passes to the west bank of Ismail Jagirdar's tank. That way is not a Government road—it is a path along the bank of the tank. There is no high road (*boro rasta*) to the west of Ismail Jagirdar, Naimuddin Miji and Karim Buksh's houses. I have never passed by that road. I have seen a number of *baris* there, but no public road. I had come round the south-west corner of the tank and had gone four or five cubits east from the corner. I was then turning to go south, when I saw the dead body on my left-hand side. From there I passed towards Naimuddin Miji's *doroja* and there I met the eight men sitting and consulting. I was on the south bank of the tank when I saw the body, not on the west, but I was nearer the west end than the east. I deposed before the Police Saheb. I did not tell him that I saw the four men carrying the body by the west bank of the tank. There was star-light that night, and it lightened every now and then. It was a dark night, the *amavasya*, but there was star-light and flashes of lightning. I told the Police Sahib so. I thought it was a dead body; it looked like one. I told the Sahib it looked a dead body, but the Sahib did not understand me and Koilash Kerani explained it to him and what Koilash Kerani said I don't know. I did not tell anyone at my house of what I had seen. Nanda Basi's house is closer to mine than Ismail Jagirdar's is. He is not conducting this case. I have not seen him here. There was a constable besides the Jemadar the Sunday I went to Ismail's and saw his body in the tank. I did not see Idris there. There were many persons present when the body was taken out. I did not recognise any number of Idris' household amongst them. Tuku Munshi and Naimuddin Miaji were there and Mahabbat Ali Miaji. I spoke to Amjad and Hamida in preference to them because they are rustics, whereas Amjad and Haimida conduct cases and know about law. Nur Mir, constable, came to my house on the Tuesday and told me to go to the Daroga. It was 10 or 11 a.m. when I deposed. I deposed and then went away. I don't know who deposed before me. I met Torab Ali on the way as I was going there—he was coming away. He was on the south bank of the tank and was going east—he was as far from the place where depositions were taken as from here to the veranda (say 10 yards). I did not see Hosan Ali there. Nanda Basi and Nanda Thakur were not there. Idris was there, he was not at any one place but was going about crying. I did not see him near me when I was giving my evidence. There is a cutchery hut at the *doroja* of Ismail in which there were a number of people. Idris was sometimes in that hut and sometimes going to and from the inner apartments. The cutchery hut is 16 or 17 cubits from the place where I was giving my evidence. I gave my evidence in an ordinary tone, not so loud as I am speaking now. The Daroga told me to speak quietly, as he had a headache. He took down my evidence on Bally paper. The people who were near me heard my evidence, eight or nine people heard—Chatur Ali, Haider Ali, Jafar Ali, Naimuddin Miaji, Abdul Karim and others. I don't remember whether or not I told the Deputy Magistrate that Idris was present when I deposed. I did not see the Police Sahib when I deposed. After deposing on that Tuesday and before I was examined by the Police Sahib, I saw the Daroga. I saw him at Ismail Jagirdar's *cutcheri* hut where he slept on a bed. He said to me, "you have given your evidence why do you come here again?" He said that if I came back any more he would run a bamboo up my posterior. This was on the Thursday after I deposed. I do not know Bharat Babu. I did not tell the District Superintendent of Police of this threat of the Daroga, but I spoke about it to a stout gentleman who used to fish in the tank of accused. I also told that stout Babu about the occurrence. I don't remember whether I spoke to him on that Thursday, or afterwards, but I remember speaking to him at the *doroja* of one of Ismail's tenants who lives to the west, where the Babu was fishing. The case at Lakimpur was a suit for *wasilat* brought by my younger brother: the defendants in that case brought another title suit, against that brother and myself. Those two cases were both compromised in Agrahan. Hosan Ali, witness, and I deposed in a theft case against Muzuffer on behalf of the accused. I don't know whether or not Mozuffer was convicted. I gave my evidence and came away.

Re-examined: Karim Buksh's house and Emdadullah's house face the east. I have never been imprisoned. It was after Torab Ali came away that the Daroga called me to give evidence.

Explained to the witness in Bengali and admitted to be correct.

A. PENNELL,
Sessions Judge.

A. HAIDAR,
Sessions Clerk.
The 12th January, 1901.

14th January, 1901.—Re-called (being present in Court) and further cross-examined with leave of Court. I have land at Chur Pagla. It is not true that I went there on Sunday, 9th Badhra, and came back on Tuesday.
Explained to the witness in Bengali and admitted to be correct.

A. PENNELL,
Sessions Judge.

The 14th January, 1901.

V.—SARODA MOHAN CHAKRAVARTI, Sub-Overseer.

The deposition of prosecution witness No. 5, aged about 24 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 12th day of January, 1901.

My name is Saroda Mohan Chakravarti. My father's name is Kali Chandra Chakravarti. I am by caste Brahman. My home is at Mouza, Duttapara, Police

Station Lakimpur, Zilla Noakhali. I reside at present in Mouzah Sudharam, Police Station , Zilla , where I am Sub-Overseer of the District Board.

I prepared a plan in this case under orders of the District Engineer. Exhibit 5 is that plan, it is correctly prepared. I measured the roads with a chain. I measured from E to I *viâ* O P Q and R. From E to F is 2,080 feet, from F to O 2,200 feet, O to P 890 feet, P to R (*viâ* Q) 2,255 feet. From F to G is 870 feet, G to K 3,000 (*viâ* H I J), K to R (*viâ* L M N) 2,800 feet. The difference of length in the two roads is 1,325 feet. There are breaks in the western road. One between E and F a common one: another between O and P; another between P and R. The biggest break is the one between P and R, it is 60 feet long. That break is two feet deep.

By the Court: I mean that the bottom is two feet below the level of the road.

Examination-in-Chief: I made this measurement on the 18th November, when I measured the breaks were dry. The westernmost road shown in my plan is a mere footpath, it is almost on the level of the fields. There is no break on the easternmost road; I have shown none. There are some breaks there, but they have all been bridged in such fashion that carts can pass. Ashraf Ali Mukhtear was with me when I took the measurements and pointed out the houses marked on the side of the road. I also enquired of two villagers whose names I don't remember. Idris was also present, but there was a man on the opposite side who objected to his saying anything, and so I did not ask him anything. On the 20th November the District Engineer tested the plan and the measurements in my presence.

Cross-examined: There is a break between E and F 60 feet long and 1½ feet deep. There are no breaks between B C D and E. I did not go by the way through Gura Mir's *doroja*—that way has not been shown in my plan. I did not measure the distance from Char Uria to Bellu Sahib's Hat, as it was common to both the alternative routes. The water in the rains is about six inches below the level of those roads. The breadth of the break between Q and R is eight or nine feet. The depth of two feet is in the centre of the break—at the edge it would be not more than nine inches from the level of the road. There was less rain this year than last but I can't say if there was less than the average.

Read by the witness himself and by him admitted to be correct.

A. PENNELL,
Sessions Judge.

A. HAIDAR,
Sessions Clerk.

SARODA MOHAN CHAKRAVARTI,
S. O. B.

The 12th January, 1901.

VI.—BINOD BEHARI PAL, District Engineer.

The deposition of prosecution witness No. 6, aged about 45 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 12th day of January, 1901.

My name is Binod Behari Pal. My father's name is Umesh Chandra Pal. I am by caste Sadgop. My home is at Mouzah, Calcutta, Police Station , Zilla I reside at present in Mouzah Sudharam, Police Station , Zilla , where I am District Engineer.

The District Magistrate sent me a written order to prepare a plan in this case. I had the plan prepared by my subordinate Saroda Mohan Chakravarti, the last witness. He showed me his plan, and I tested such portions of it as I considered important. Exhibit 5 is the plan which he prepared. I checked the distance from E to R *viâ* F O P and also *viâ* F G H T K. I did not compare my measurements with Sarada Babu's, but I noted my own measurements. The red ink measurements in the right-hand margin of the plan are mine. They are in my handwriting. I found four breaks in the road from E to R *viâ* F O P. Of these the first is common to that road and to the road from E to R *viâ* F G H T K. Except that first break there are no breaks in that second route. The first break from R along the route R *viâ* P O and F is 60 feet long by two feet deep. I generally take the maximum depth. The second break is 20 feet long by nine inches deep, and the third 50 feet long by one foot deep. The common break is 60 feet long by 1½ feet deep. There are ditches along the western road but no continuous drain. The difference in length between the two roads is 1,325 feet.

Cross-examined: I did not note the minimum depth of the breaks, it would not be very different from the maximum, it might be three inches or six inches less. I don't think it would be as much as nine inches less. I did not go from east to Bellew Sahib's *Hat*. I can't say if the rainfall this year was below the average. I have not seen these roads in the rains.

Read by the witness himself and admitted to be correct.

A. Pennell,
Sessions Judge.

The 12th January, 1901.

VII.—Abdul Aziz (son of Aminuddin).

The deposition of prosecution witness No. 7, aged about 40 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 14th day of January, 1901.

My name is Abdul Aziz. My father's name is Aminuddin Miaji. I am by caste Musalman. My home is at Mouza Char Uria, Police Station Sudharan, Zillah Noakhali. I reside at present in Mouzah there where I am cultivator.

I know the witness Islam. I met him about one *prahar* after sunset, on the 9th Bhadra last. He called to me from the *doroja* of my *bari*. I was in my hut at the time. I went to him and he said " come with me little way I am afraid " (or have got a fright). He said " I was coming by the west bank of Ismail Jagirdar's tank when I saw three or four men carrying something which looked like a dead body." I asked him if he had recognized the men, and he said " yes, they were Sadak Ali, Aslam and Yakub Ali. I did not ask him anything more. I then went some way with him, and then came back home. I presented a petition to the Magistrate. Osman Ali Daroga threatened me because I gave evidence and so I petitioned. (Admits two signatures to Exhibit 4.)

Cross-examined: Kalabhanga *dighi* is a mile or a mile and a half from Ismail Jagirdar's house. There is a road leading to the witness Islam's house which passes to the west of Naimuddin Miaji's house. There is another road which passes by the east of Yakub Ali's *bari* and the west bank of Ismail Jagirdar's tank—it is a path. This last path passes to the south of Emdadullah's *bari*. There is another road which passes by the south of Emdadulla's *bari* and the east of Ismail Jagirdar's tank. The space between the road to the west of the tank and the road to the east of the tank will be not less than 300 cubits. Of these three roads from Yakub Ali's house to Islam's house the shortest is the middle one, which passes to the west of Ismail Jagirdar's tank. Most people go by this middle road. Yakub Ali and Karim Buksh live in the same *bari*. I was sitting in my hut when I was called. I deposed before the Daroga Osman Ali. I forget what date it was, but it was at Peshkar's *Hat*. Several others were examined by the Daroga at the same time. It was seven or eight days after the occurrence. It was a market day. The Daroga took down my deposition. I did not tell anyone of the occurrence before I deposed. I don't know Inspector Bharat Babu. A constable and a peon called everyone at the hât to be examined, and so I came to be examined. There was a little rain on the night of occurrence. It commenced a little before sunset,and went on till a *ghari* after sunset. There was no storm (*tufan*) when Islam called me, it was quite clear and there were stars. There were clouds in the sky but not overhead. I am not connected in any way with Islam. I had no talk at that time with Idris. I have never had any talk with him. It is not the fact that Ismail's brother has married my niece. I was summoned to appear before the Police Sahib and on the day fixed for my attendance, the Daroga told me not to give evidence. This was at Doctor's Hat. The witness Rajab Ali and several others—hat people—were present when the Daroga spoke to me.

Amjad, Aslam and Ahmed Ali were among those present. About two *gharis* after day-break the morning after the occurrence, I went with others to Ismail Jagirdar's house. I saw the dead body floating and came away. When I deposed before the Daroga, I did not see any Government Officer present except constables. This year I tapped the date palms of Ismail Jagirdar's *bari*. Sadak Ali, son of Bukshi Putwari, lives near me. I don't know of his conducting the prosecution. I do not know that anyone named Sadak Ali is conducting the prosecution.

By an Assessor: I knew Idris before the occurrence. I did not tell him what Islam had told me.

By the Court: I did not see Idris the morning after the occurrence when I went to his house and saw Ismail's body floating in the tank.

Explained to the witness in Bengali and admitted to be correct.

A. Pennell,
Sessions Judge.

A. Haidar,
Sessions Clerk.

VIII.—Abdul Aziz (son of Samaruddin).

The deposition of prosecution witness No. 8, aged about 32 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 14th day of January, 1901.

My name is Abdul Aziz. My father's name is Samaruddin. I am by caste Musalman. My home is at Mouza Char Durbesh, Police Station Sudharam, Zilla Noakhali. I reside at present in Mouzah there where I am cultivator.

My Khalato *bhai*, Arshad Ali, is *ijaradar* of the ferry from Lambakhali to Char Lakhi. That Arshad Ali, my brother Abdul Majid and I with some *mallas* ply the boat. I know the accused Aslam and Sadak Ali. On the night following Saturday, the 9th Bhadra, at 2 or 3 a.m., I saw them at Ichakhali Bazaar, which is about 10 kanis from Lambakhali. I had some talk with them. They said "what *manjhis* are there here," I said I was a *manjhi*. They then asked "when does the boat start"? I said the flood tide would commence at 2 or 3 a.m., and then when the boat would leave for Char Lakhi. It was Sadak Ali who first asked: Aslam joined in the conversation afterwards. Sadak Ali came first and woke me up. Aslam came behind him. After telling them the boat would leave at 2 or 3 a.m., I asked how many of you are there? They said "we two." I asked where they wanted to go, and they said "to Char Pagla." I said that owing to the rain there were no other passengers and there were six or seven of us: it would not pay us to take them to that Char. They said "we will consider a bit and give you enough to make it pay you." I asked how much they would give. Sadak Ali said one rupee. I said even two rupees would not suffice. Then Aslam offered two rupees. I said that would not do. Then Sadak Ali offered three rupees. I demanded four. Sadak Ali said we would consult some other people and let me know. The two men then went away. They did not return. The regular fare from Ichakhali to Char Pagla is two annas per head. I know Osman Ali Daroga. I did not depose before him.

Cross-examined: I know Nanda Basi, his house is 10 or 15 kanis from the port (*bandar*) where I stay. I can't say whether he is conducting the prosecution. He never came with me to the Committing Magistrate's Court. I have not seen him at this Court. I have been at the same place as the other witnesses while attending this Court. If we had been paid four rupees we would have gone. I did not suspect the two men. I never came down in my demand.. I demanded four rupees all along. I deposed before Kali Sankar Babu. I told him that I demanded five rupees. At first I asked five and then came down to four. I deposed before Mathur Babu, the Inspector who challaned the accused. I don't remember telling him that I suspected something wrong because the men offered me so much. I felt sorrow (*afsos*) for the men, because the regular fare was only four annas, and they had to offer me three rupees (*sic*). I told Hosan Ali Chowkidar and other passengers on the boat and other people in those parts of the conversation I had with the accused. I told them before Mathur Babu's investigation. I gave out the matter a day or two after it happened. I did not tell anyone that night. The afternoon before that night, we had returned from Hatya at 3 p.m. We are allowed to take passengers to Pagla Char. Abdul Karim Manjhi was punished for taking passengers there. My house is half a mile from Ichhakhali. it is on the other side of the *khal*. There was rain and a little wind from a little before sunset. It stopped at two *gharies* after sunset. After that it was clear. There was star-light. There were a few clouds about. It was not on account of any storm that there were no passengers that night—sometimes there are passengers and sometimes not.

Re-examination: The sorrow (*afsos*) in my mind was because it occurred to me how anxious they were to cross. They could have got over by paying a fisherman a rupee. Abdul Karim was fined because he was not the Ijaradar, and plied without having the right to do so.

By an Assessor: I did not ask Sadak Ali why he was so anxious to cross. We get Rs. 4, 5, 10 or 15 a journey to Char Lakhi. It all depends on what we carry—it is not only passengers we take but animals, &c. I knew Sadak Ali and Aslam before.

By the Court: We stay at Ichhakhali on account of passengers. There is no *khal* for our boat at Lambakhali.

Explained to the witness in Bengali and admitted to be correct.

A. Pennell,
Sessions Judge.

A. Haidar,
Sessions Clerk.
The 14th January, 1901.

IX.—RAJAB ALI.

The deposition of prosecution witness No. 9, aged about 25 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 14th day of January, 1901.

My name is Rajab Ali. My father's name is Roshan Ali. I am by caste Musalman. My home is at Mouzah Char Uria, Police Station Sudharan, Zilla Noakhali. I reside at present there, where I am cultivator.

I know the four accused in the dock. I saw them on the 9th Bhadra just as the sun was setting, on the road under a *bat* (banian) tree. Some were sitting and some standing. They were talking together. Ismail Jagirdar's house is about three-quarters of a mile from that place. It is south-east of that place. I know Osman Ali, Daroga. I deposed before him and told him all this. This was about three days after I saw the accused. I heard of Ismail's murder the day after I saw them but did not go to his house. I petitioned the Magistrate against Osman Ali Daroga, because he threatened us (Admits his signatures (two) to Exhibit 4). When I had gone a little distance, and it was coming on to rain, I saw the men were going along that road towards the west. I passed by the east bank and then by the south bank of the Utsara Dighi towards the west. I saw them going west by the north bank of that Dighi. Sadak Ali and Aslam are chachato jyethato bhai (cousins) and live in the same *bari*. The father of Yakub Ali and of Abdul Hakim Kabirarj is Ali Manjhi's cousin. They are chachato jyethato bhais. Osman Ali, Daroga, is that Ali Manjhi's nephew (*bhagina*). Amjad Mir and Osman Ali are *bihai* to each other (*i.e.*, their children have married). Sadak Ali accused's mother was that Amjad Mir's fufato bhagini (cousin).

Cross-examination: I live a little less than a mile from Sadak Ali and Aslam. I am not related to them. I went to their house once with Amjad Mir; he and I used to cultivate together, and we went there with a cart. That was two or three years ago. Amjad Mir used to cultivate, but I can't say if he cultivates now. He did not use to cultivate himself. He is a *bhadralok*. I don't know the father's name or residence of Sadak Ali's mother. I don't know how many *fufa's* (father's sister's husbands) Amjad had. I don't know that he has any *fufu* (father's sister). I don't know that he has any *fufato bhagini*. The father of this Abdul Hakim in Court is choudhari, and his father's name is Natullah. I don't know Ali Manjhi's father's name. I say that Ali Manjhi and Abdul Hakim's father are cousins, but I can't say what the exact relationship is. I don't remember what day of the week it was when I deposed before the Daroga, but it must have been a Sunday or a Thursday, for it was at Peshkar's *hat*, which is held on those days. There were many people present when I deposed. I don't remember the Inspector being present that day. On Sunday after hearing of Ismail Jagirdar's death, I told many people of what I had seen. I knew Ismail's son Idris before the occurrence. I told him afterwards, whether before or after deposing before the Daroga I don't remember. I met the Daroga once after my examination by him and before my examination by the Police Saheb. That was at Doctor's *Hat*. He served me with a notice to attend before the Police Saheb, and at the same time told me not to give any evidence. I don't remember whether or not I met the Daroga after that. The Police Saheb went to see the place of occurrence and called us again after he had examined us. The day after he returned the Daroga Osman Ali abused and threatened us at Peshkar's *Hat*.

I have land in Pagla Char. So has the witness Islam. His land is a mile from mine. I did not go to Chur Pagla that Saturday. I went on the Friday and returned Saturday morning. I did not go to the Chur again for four or five days. The place where I saw the man was to the east of the tank (Utsara *dighi*), it was near a bridge on the Government road. To get to Ismail Jagirdar's *bari* from the town, you may go either to the north or to the south of his tank. The way to Ismail's house from the town by the Kalabhanga *dighi* is a little perhaps 15 minutes shorter than the other. I live a little more than half a mile from Utsara *dighi* There was high wind and rain to about two *gharis* after sunset that night. It began while I was on the road. I went on home. I did not stop anywhere. I got wet. Soon after I got home the rain stopped. I was imprisoned for two months in a rioting case. Nanda Basi's house is about half a mile, and Sadak Ali, son of Bakshi Patwari's house about quarter mile from mine. I do not know of their conducting the prosecution. That Sadak Ali is here in Court (points to a man close to accused). I am not connected with him in any way.

Explained to the witness in Bengali and admitted to be correct.

A. PENNELL,
Sessions Judge.

A. HAIDAR,
Sessions Clerk.

The 14th January, 1901.

X.—ABDUL MIR.

The deposition of prosecution witness No. 10, aged about 45 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 14th day of January, 1901.

My name is Abdul Mir. My father's name is Asabuddin Mullah. I am by caste Musalman. My home is at Mouzah Salla, Police Station Sudharam, Zilla Noakhali. I *reside* at present there, where I am taluqdar and howladar.

I knew Ismail Jagirdar. I met him one Saturday in the early part of Bhadro last. I forget the date—after sunset—in front of the entrance to my house, on the Government road. Ahmed Ullah and Abdul Aziz, constables, were with him. They were coming west from the direction of the town. Ismail Jagirdar's house is a mile to the south-west of mine. The day after I heard that Ismail had been murdered.

Cross-examination: Ismail did not call me. He had a piece of new cloth under his arm. He had on a *piran* (coat) a sheet and a shirt and was carrying an umbrella. It was raining at the time—raining hard. There had been some high wind, but it had lulled. I asked Ismail to stop at my house, but he did not. He and the other men were going at an ordinary pace. The rain stopped about two *gharis* after sunset. It was dark at the time I met Ismail. It was still dark when I went to bed, which was about four *gharis* after sunset.

By the Court: Ahmadullah lives near Bairagi's *Hat,* about a mile from Ismail. Abdul Aziz's house is close to Ismail's, about 10 or 12 *kanis* distant.

Explained to the witness in Bengali and admitted to be correct.

A. PENNELL,
Sessions Judge.

A. HAIDAR,
Sessions Clerk.

XI.—AHAMADULLAH.

The deposition of prosecution witness No. 11, aged about 25 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 14th day of January, 1901.

My name is Ahamadullah. My father's name is Tamizaddin Munshi. I am by caste Musalman. My home is at Mouzah Chur Uria, Police Station Sudharam, Zilla Noakhali. I reside at present there, where I am taluqdar.

I knew Ismail Jagirdar. I met him on Saturday the 9th Bhadro last at Asad Mullah's *doroja.* I can't say what relation the last witness (Abdul Mir) is to Asad Mullah. Abdul Aziz, constable, was with me. I was returning home from the town and met him on the way. Ismail Jagirdar was going towards his home from the direction of the town. My house is about 1½ miles from Ismail's. We all three went together as far as Kala Bhanga *dighi*—near there we separated, Ismail going by the southward road which passes by the east side of the *dighi* while we went by the Government road which leads to the west by the north bank of that *dighi.* Ismail was alone when he parted company with us. I deposed before Osman Ali Daroga two or three days afterwards. I heard of Ismail's murder at 8 or 9 a.m. on the day after I met him.

Cross-examination: Ismail's house is a little under a mile from the Kalabhanga dighi. It was raining when we got to Asad Mullah's *doroja,* it was *just after sunset.* The *dighi* is less than half a mile from Asad Mullah's *doroja.* It was raining hard when we got to that *doroja.* Abdul told us to stay there, but we did not stop. The rain had not begun to abate when we got to the dighi: it began to abate half a mile or a mile after we left Ismail Jagirdar. The constable's house comes first, mine is further off from the *dighi.* Ismail's house is not so far from the dighi as mine is. The rain had stopped before I got home. It was 1½ or 2 *gharis* after sunset when I got home, not more, that is my guess (*anumanik*). I saw a bundle under Ismail's arm. I don't know what was in it. He had a shirt on—I saw that—but I did not notice if he had any coat (*piran*). He had an umbrella. There was star-light that night. The Daroga never threatened me or told me not to give evidence.

Explained to the witness in Bengali and admitted to be correct.

A. PENNELL,
Sessions Judge.

A. HAIDAR,
Sessions Clerk.

The 14th January, 1901.

XII.—KALI KUMAR DAS, Pleader.

The deposition of prosecution witness No. 12, aged about 56 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 15th day of January, 1901.

My name is Kali Kumar Das. My father's name is Podma Lochan Das. I am by caste Kayastha. My home is at Mouzah Sadardi, Police Station Bhanga, Zillah Faridpur. I reside at present in Mouzah Sudharam, where I am Pleader, Munsiff's Court.

I knew Ismail Jagirdar. I used to conduct his cases. I heard of his death on the 10th Bhadro' corresponding to the 26th August last. I had seen him the day before, both at my lodging and at Court. His wife had brought a revival case and he was a witness in it. He came to my lodging at 9 or 10 a.m. He gave evidence in the case that day. His deposition was finished at 5 or 5.30 p.m. The defendants in that case were Abdul Karim and Karim Buksh. Of the accused in the dock I know one Sadak Ali. He had cases against Ismail Jagirdar. I am engaged as pleader on behalf of the plaintiff, Ismail Jagirdar, in the case of which the record is shown to me brought by Ismail against Aslam, son of Lukhi Goldar (suit No. 1881 of 1900 of the Court of the First Munsiff of Sudharam). That suit is still pending. I am also engaged as pleader for Ismail Jagirdar, plaintiff, in the suit which he brought against Anwar Ali, and of which record is shown to me (suit No. 1882 of 1900 of the same Court). That suit also is still pending (these records are marked as Exhibits 6 and 7).
Cross-examination: In this year and last year Ismail Jagirdar has instituted five or seven cases against his tenants on his own account and two or three on account of his wife. On the 26th August there were pending, I think, three cases of his own and one of his wife's. He brought only one enhancement suit, it was against a tenant living in another village. He may have brought one or two ejectment suits. He gave evidence in one or two cases on behalf of Bhulua Raj.

By an Assessor: The pending suits of Ismail's were the two I have mentioned and one against one Gura Mir. All three are simple rent suits.

Explained to the witness in Bengali and admitted to be correct.

A. PENNELL,
Sessions Judge.

A. HAIDAR,
Sessions Clerk.
The 15th January, 1901.

XIII.—ABDUL LATIF.

The deposition of prosecution witness No. 13, aged about 35 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 15th day of January, 1901.

My name is Abdul Latif. My father's name is Guna Mir. I am by caste Musalman. My home is at Mouah Chur Uria, Police Station Sudharam, Zilla Noakhali. I reside at present in Mouzah Sudharam, where I am peon of the Government *khas mehals* and *talugdar.*

I know Osman Ali Daroga and Amjad Mir. They are *behais* (*i.e.,* their children have intermarried). Amjad Mir, is my uncle (*chacha*). I know Sadak Ali. Amjad calls Sadak Ali, nephew (*bhagina*) and the two men are on visiting terms. I know Hamida Thaka, he is Amjad's brother's son. I was present when the Police investigated this case. Amjad Mir and Hamida looked after it on behalf of the accused. I know Ashak Jemadar's road. It passes by the west of Ismail Jagirdar's house. There are two small breaks and one large break in that road. In the rainy season people can pass over the small breaks without wetting their cloths but not over the big break. The road is close to my house. We do not use that road in the rainy season. We go by the road to the east. When there is heavy rain the whole of the western road goes under water.

Cross-examined: It is not the fact that the road east of Ismail Jargidar's house is lower than the western one. The western road is lower than the eastern. This year there was less rain than usual. This year the western road was only under water here and there—wherever it was lower than usual, not merely at the breaks. The big break is 30 or 40 cubits long by 10 cubits broad. It is a little lower in the middle than at the ends, it may be up to one's waist in the middle. At the sides it is a little less, say 1¼ or 1½ cubits deep. It is very muddy besides being under water. I have sometimes been to Ismail Jagirdar's house. There is a way into that *bari* by the north and west sides of the tank, but it is dark and people don't go that way at night. That way is not shorter than the way by the east and south sides of the tank—the two ways are of equal length. So far from the way by the north and west being wider, it is narrower than that by the east and south banks. When I was present at the Police investigation it was Osman Ali Daroga who investigated. I forget what date—it was in Bhadra. I went there two days in the day time and two other days at night on my way home from office. The first of the two days when I attended in the day time the Daroga went to the houses of the accused. On two subsequent days he was sitting in Ismail's *cutchery*. The fourth day I saw him when the Police Saheb went to see the road. That time I was present in the day time. The two occasions when I saw Osman Ali at Ismail's *cutchery* were at night. I don't have to go to work till 10 a.m. That is how I came to be present in the day time. The day the Police Saheb came he arrived at 10 a.m. and went away at 12. I went along with him: he went to Ismail Jagirdar's *bari* and stayed there for an hour. From Ismail's *cutchery* he went to measure towards the south, along with the Daroga. That visit of the Police Saheb was after the Police Saheb's examining the witnesses. I don't remember if Amjad and Hamida were present on that occasion. They were present the day the Daroga went to the houses of the accused, and also on the two nights I went to Ismail's house—they were talking. I don't remember other people being there, except constables and Chowkidar, but I remember that one day Ram Kumar Daroga was there. I did not hear what Amjad and Hamida were saying. When the Daroga went to Emdad Ullah accused's *bari*, all the accused assembled there. The Daroga did not go there, but Amjad and Hamida went. I did not go there. I cannot say what sort of *bhagina* (nephew) Sadak Ali is of Amjad. Amjad Mir's father married my father's *fufu* (paternal aunt) that is how Amjad is my *chacha*. My house is as far from Amjad's as from here to the school, or a little more—it will be about a mile. When my father died about three years ago, Amjad sold his share of the inheritance, and since then he has not been to eat with us and has had nothing to do with us. My great grand aunt whom his father married is also dead. I have never entertained Sadak Ali. I gave evidence in defence of Ismail in the case in which he was accused of cattle theft. It is not a fact that Sadak Ali, son of Bakshi, is conducting the prosecution—(then) I can't say if he does or not. My daughter has married that Sadak Ali's nephew.

Re-examination: I was cited in the cattle theft case to identify the cow, as I was *chaprasi* under the forester of Tunchar where the cow was kept.

By the Court: Ismail Jagirdar never brought any case against Guna Mir (my father).

Explained to the witness in Bengali and admitted to be correct.

A. Pennell,
Sessions Judge.

A. Haidar,
Sessions Clerk.
The 15th January, 1901.

XIV.—Ana Mir.

The deposition of prosecution witness No. 14, aged about 35 years, taken on oath or solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 15th day of January, 1901.

My name is Ana Mir. My father's name is Kuramadin Chaprasi. I am by caste Musalman. My home is at Mouzah Chur Uria, Police Station Sudharam, Zilla Noakhali. I reside at present there, where I am cultivator.

I know Ali Manjhi. He is my *fufato bhai* (cousin). I know Osman Ali Daroga. He is Ali Manjhi's *fufato bhagini's* (cousin's) son. I know accused Yakub Ali in Court. His father is Ali Manjhi's *Jyethato bhai* (cousin). I know Muna Bibi, she is Ali Manjhi's sister. Osman Ali's mother is her *fufato bahin* (cousin). Muna's husband is named Riazuddin. Muna now lives with Osman Ali. Riazuddin died in Osman Ali's house.

Cross-examination: I don't remember how many brothers Ali Manjhi's father had, nor do I remember that he had any brother. I have seen Yakub Ali's father, his name was Chowdhry. I can't say what his father's name was. Ali Manjhi's father and Chowdhry were *chachato jyethato bhais*. I can't say how many times they were removed. My father had four sisters, one was Ali Manjhi's mother, another was mother of Samarudin Chaprasi. I can give the father's name of Ali Manjhi and of Asgar Ali, who is son of another aunt of mine, but I can't give the names of my other two *fufas* (father's sister's husbands), they died long ago. I have been to Ali Manjhi's house. I can't give the name of Osman Ali's mother, nor can I say whose daughter she was. I am related to Osman Ali. I have never been inside his female apartments, nor have I ever been to his house. Muna Bibi belongs to the cultivating class. Her husband died, and she was friendless, so she stays with Osman Ali. She works for him and he feeds her. Ali Manjhi used to ply a boat, he now cultivates. I can't say if he is a *bhadralok*. He has some property. Muna Bibi is his own sister. He does not like her so she stays with Osman Ali.

Explained to the witness in Bengali and admitted to be correct.

A. PENNELL,
Sessions Judge.

A. HAIDAR,
Sessions Clerk.
The 15th January, 1901.

XV.—HARI DAS DAS.

The deposition of prosecution witness No. 15, aged about 42 years, taken on oath or solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 15th day of January, 1901.

My name is Hari Das Das. My father's name is Nakul Das. I am by caste Haliadas. My home is at Mouzah Ichakhali, Chur Uria, Police Station Sudharam, Zilla Noakhali. I reside at present there, where I am cultivator.

I live about a quarter of a mile from the road passing to the west of Ismail Jagirdar's *bari*. My *doroja* is on a village road. There is a break on the road which passes west of Ismail Jagirdar's *bari*. That break is close to my house, on the north It is 40 or 45 cubits long. It is 50 or 60 cubits from my house. The water at that break is up to one's chest in the rains when there is heavy rain. It is always 2 or 2½ cubits deep at that season. People do not pass by that road in the rains. They pass by the road east of Ismail Jagirdar's house.

Cross-examination: Nanda Basi is not related to me in any way. We are of the same caste, that is all. During the rains this year it was impossible to cross that break without wetting your cloth. I do not know of Nanda Basi's conducting this case. Nanda Basi lives half a mile from me.

By the Court: Nanda Basi is a Haliadas.

Explained to the witness in Bengali and admitted to be correct.

A. PENNELL,
Sessions Judge.

A. HAIDAR,
Sessions Clerk.
The 15th January, 1901.

XVI.—RAM DHON BARUA, Constable.

The deposition of prosecution witness No. 16, aged about 50 years, taken on oath or solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 16th day of January, 1901.

My name is Ram Dhon Barua. My father's name is Bedi Chand. I am by caste Barua. My home is at Mouzah Nowapara, Police Station Raojan, Zilla Chittagong. I reside at present in Mouzah Sudharam, where I am Police Constable.

In this investigation of this case I went to Ismail Jagirdar's *bari*. I forget what date it was—it was in Bhadro last. I forget what time it was when I got there—it was early in the morning (*behane*). When I got there I saw Ismail Jagirdar's corpse floating in the tank in front of his house. By order of the Jemadar I and others took it out. Ismail was dead. I saw marks of bruises on the body. Kisto Bhadra, the Jamadar, sent it through me to the hospital. The Jamadar examined the body and wrote something. He put me in charge of the body. I took it to the dead house. I made it over to the Doctor Saheb in the same state in which I received it. The Doctor Saheb examined it and cut it up in my presence. By the Doctor Saheb, I mean Bara Doctor, I don't know his name, he is a Bengali.

Not cross-examined.

By the Court: Yesterday I went to Haris Chandra Bhuiya *hat*. I went there because the Daroga Saheb sent me as the Inspector-General was going. By the Daroga Saheb I mean Osman Ali Mia. I was sent to look after the horses to see if the dak was laid or not. I have been sent on dak on two or three previous occasions. I told the Daroga I had to attend this Court, but he told me I could come back, and give evidence afterwards. The Daroga is still working as a Sub-Inspector. I have not seen the Police Saheb last night or this morning. I returned to the town about

5 or 5.30 p.m. yesterday. There are eleven constables at Sudharam Thana. I can't say how many there are in the lines.

Explained to the witness in Bengali and admitted to be correct.

A. Pennell,
Sessions Judge.

A. Haidar,
Sessions Clerk.

The 16th January, 1901.

XVII.—Mohim Chandra Dey, Constable.

The deposition of prosecution witness No. 17, aged about 51 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 16th day of January, 1901.

My name is Mohim Chandra Dey. My father's name is Ram Moni Dey. I am by caste Kayasth. My home is at Mouzah Panchashhat, Police Station Munshigunge, Zilla Dacca. I reside at present in Sudharam, where I am constable.

I am attached to Sudharam Thana. A warrant for the arrest of Mohabbat Ali, a witness in this case, was made over to me. I made three separate attempts to arrest him. The first time, on the 7th January, I went to his house at Chur Uriya and I got there at 3 p.m. but did not find him. I remained at his house all night and searching other houses in the village returned at 9 a.m. next morning. On the 8th January I received a fresh warrant and went with it to Mai chura and Bhola. I went there because I had heard at his house the first day that I went there that he had gone to cut wood. I did not find him. I returned on the 10th—yesterday. I went again to Chur Uriya and Char Durbesh and went to Mohabbat Ali's house at noon. I did not find him. I have only just come back. I produce Exhibit 23 the second warrant made over to me. It was received by me on the 8th January. I returned the first warrant to the Court. Exhibit 24 is that first warrant, the one which I received on the 7th January. The return on the back of it is my return and bears my signature.

Not cross-examined.

Explained to the witness in Bengali and admitted to be correct.

A. Pennell,
Sessions Judge.

A. Haidar,
Sessions Clerk.

The 16th January, 1901.

XVIII.—Mr. W. Y. Reily, District Superintendent of Police.

The deposition of witness No. 1, called by Court, aged about 38 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 16th day of January, 1901.

My name is William Yates Reily. My father's name is James Horatio Reily. I reside at present in Mouzah Noakhali, where I am Superintendent of Police of this District.

I have been District Superintendent here three years all but three months. I received a summons in this case. I was cited as a witness by the defence. On the 9th January I paid the Sessions Judge a visit at his house. It was an official visit. I came to inform the Judge that I had received an order to go out and enquire into a case and also that the D. I. G. was expected to arrive—and I came to ask whether I should go out or stay here, as I had been cited as a witness in this case. I wished to remain in on account of the D. I. G.'s visit but the necessity for my coming to the Judge was caused solely by the order I had received to go out and enquire into a case. I had received that order from the District Magistrate. The case I had to enquire into was of Lakimpur Police Station. As far as I recollect the Judge told me that I must remain in for this case. The Judge told me then that he intended to call me as a witness himself. I informed the District Magistrate of the orders which I had received from the Sessions Judge. I informed him verbally. He said nothing beyond saying it was a pity I could not go out with him, he also mentioned he would address the Judge on the subject. The District Magistrate was going to Churgazi and Hatia. He had, however, intended to go with me to the place of occurrence. On Monday morning the Judge came to the circuit house and I saw him. He advised me to apply for a transfer in connection with this case. I asked the Judge to speak to the D. I. G. to help me in getting a transfer. I spoke about the subject to the D. I. G. myself that afternoon. The explanation I have to give of my absence yesterday is that I had informed the Judge that the D. I. G. was going away on Tuesday. I did not receive any order that I was to be examined before Tuesday. I fully intended to return this morning. I did not think I would be required till after my return. I would have returned this morning even without the telegram from the Judge which I received yesterday. This case was first reported as a drowning case—I think about the 25th August. The first I saw of the case was the information of the unnatural death. Exhibit 1 is the first information in question. It does not bear my initials. I saw the death reported in the daily report. I can't recollect on what date. I went out to the spot on the 28th August. I arrived at the house of the deceased at 8 a.m. that day. I went to test the enquiry as subsequently the case had been reported under Section 302, Indian Penal Code. The enquiry was made by Sub-Inspector Osman Ali, supervised by the Inspector of A Division, Bharat Chunder Mozumdar. Osman Ali was present when I went out there on the 28th August. I don't remember if the Inspector was present then or not. On the 28th I examined complainant and his mother. I also spoke to one of the accused, who was Chowkidar of the *mohulla*, but did not examine him. That was all I did that day. I left the place for Noakhali about 10.30 a.m. It—the deceased's house—is about 3½ miles from Noakhali. It was on the 27th August, on the first information report, that I gave the order to Bharat Babu to supervise the enquiry. The report shown me (Exhibits 25*a* and 25*b*) is that on which I passed my order. The English handwriting (on 25*a*) is mine. I don't know whose the Bengali handwriting is. The English handwriting submitted, etc., at the foot of the next report (Exhibits 26*a* and 26*b*) is that of the Inspector Bharat Chunder Mozumdar. The marginal notes on that diary are in the writing of the Court Sub-Inspector Kristo Kishore Kar. I can't say whose is the Bengali handwriting of Exhibit 27*a*. I don't remember ever having seen the special diary (Exhibits 27*a*, 27*b* and 27*c*) before. In special report cases, the special diaries and reports are read out to me in office, and every such diary or report is initialled by me. This is a special report case. I can't say how it is Exhibit 27 was not initialled. I may be allowed to add that I initial all special diaries and reports that came to my office. I don't initial any others. Special diaries in a case like this should come to my office, the rule is that they should. I cannot account for this particular one not coming to my office. I was summoned to produce the special diaries of this case, so far as I know those handed to me by the Court are the special diaries. So far as I know there are no others. I see that none of those diaries, other than those submitted by me personally bears my initials. I can't say for certain that I have ever seen any of those Bengali diaries before. I am surprised at finding that none of them bears my initials. Every diary should bear my initial. I did not go to the place of occurrence again after the 28th. What I did in the case was to supervise the enquiry from the office by seeing the diaries, as they came in every day from the 28th—I mean the Sub-Inspector's diaries—the special diaries.

The Government Pleader here brought to the notice of the Court that there were two sets of diaries, of which one came to the Court Sub-Inspector, and the other to the District Superintendent of Police. The witness volunteered: I forgot to bring that fact to your notice—what the Government Pleader says is right.

(The diaries were here sent for, and after some little time some papers were brought.) The papers which I now hand in are the special diaries. They seem complete. They all bear my initials. (These papers are here marked as Exhibits L 1 to L 62 inclusive, each sheet being separately marked.) The way in which I exercised my supervision from the Police Office was by passing orders—written orders. The first such order I passed was on 29th August. It is "the Sub-Inspector must make every endeavour to trace the accused." The next was on the 31st August—it is "the Sub-Inspector should have recorded their statement under Section 161." By "they" I meant the accused. The third order was on the 1st September. "The Sub-Inspector does not seem to have questioned the accused as to the actual occurrence whether they were present. The Inspector must see that important points are made quite clear." I passed no more orders till the 18th September. In the meantime I believe on 6th September I received Exhibit 3 (petition) from the District Magistrate. I read the petition after so receiving it and made my notes on it, and sent it back to the District Magistrate. The marginal notes on it are in my handwriting and were made by me on the 6th September. I sent back the petition to the District Magistrate that very day. Beyond looking at the Police papers I took no other steps to test the truth of the petitioner's allegations. The only test I had made of the enquiry when I wrote these notes was that which I made on the 28th August and which I have already described. By my note "incorrect, no such evidence has been elicited" I merely meant that in the papers which the Police put up before me no such evidence was to be found. The District Magistrate drew my attention to paragraph 5. I looked at paragraph 5. I saw it stated there that Osman Ali was related to most of the accused. I made some enquiries as to the truth of that by asking the Inspector. I think I asked the Inspector and the Head Clerk. By the Inspector I mean Bharat Babu. As far as I can recollect they both told me that Osman Ali was not related to any of the accused. I am sure the Head Clerk said so, and I think the Inspector said so too. As far as I recollect I did not ask Osman Ali himself upon the subject. My marginal note as to Amjad Mir having been called by the Inspector was based on the statement of the Inspector himself made to me during my supervision of the enquiry. I don't remember whether he told me that before or after I received Exhibit 3. As far as I can recollect the Head Clerk was present when I received it. I am not certain if the Inspector was present. I did not consult either of them before returning it. It was not by my orders that Ram Dhan Baura was sent away yesterday: the only order I gave was that constables were to be placed on dawks for the D. I. Genl. I can't say without seeing the morning report how many constables I have in Noakhali now. Osman Ali is still on duty at the Sadar Thana. He is Sub-Inspector in charge of it. The District Magistrate Mr. Ezechiel ordered A form to be submitted in this case. The District Magistrate is head of the Police. I am only head of the Police under him. It did not occur to me when he ordered A form that it was desirable to remove Osman Ali from the charge of the Sadar Thana. I have heard that one of the witnesses attending Court in this case was arrested by a town constable named Isaf Ali. I have not seen the first information in that case. First information came to me—but I have been busy with the D. I. General's inspection and have not been looking at the papers. They have been at the office but I have not looked into them yet. Town constables are under the Sub-Inspector of the Sadar Thana. I do not remember its being brought to my notice that no recognizances were taken from the witnesses in this case.

At this stage the Court rose for the day, the witnesses being directed to be ready to attend Court at 11.45 a.m. to-morrow, and not to leave the station without written permission from the Court till judgment in the case was delivered.

A. Pennell,

Sessions Judge.

The 16th January, 1901.

The 17th January, 1901.—Case resumed.—The witness further examined by the Court. I now find from the morning reports of the 14th, 15th and 16th that on each of those days there were ten constables present at the thana. In the lines there were 25 constables of the District reserve besides. I returned Exhibit 3 to the District Magistrate on the 6th September. I can't recollect if I ever got it back again. I have seen the District Magistrate's order on the petition dated 7th September. I believe I saw it in the office—in my own office. I cannot be sure that I saw it the same day it was written, but it was either that day or a day or two after. The marginal order of 7th September is in Mr. Ezechiel's handwriting. The blue and yellow pencil writing on Exhibit L 40 is that of Mr. Ezechiel. I received that order from him on the 7th and passed my own order in red ink below it on the 7th. I believe I got that order in office. I can't say for certain whether I got the petition with the marginal order of the 7th or the slip L 40 first. On the 7th September I directed complainant to produce his witnesses. As far as I recollect I did so at office. It was after I saw the Magistrate's marginal order on Exhibit D 3. On the 9th September complainant appeared before me and stated his inability to produce or give a list of his witnesses. He did this verbally. I recorded this statement under Section 161. Then on 10th September complainant produced a list of witnesses in writing. I now hand in my own special diaries. (These diaries and some other papers handed in with them are marked as Exhibits B1 to B28 inclusive, each sheet except one with no writing on it being separately numbered) they are complete. (The witness volunteered.) I wish to correct my statement. It was at the circuit house, not in office, that complainant stated his inability to produce his witnesses. I live at the circuit house. The complainant gave in his list, I believe, in the office. I submitted my first special diary at 6 p.m. on the 9th September. Exhibit B 1 is that special diary. I sent it at 6 p.m. to the office—to my own office. I sent all these diaries to my own office. As far as I recollect I did not submit them to the Magistrate. I am not aware of any rule that they should be submitted to the Magistrate, but I think they ought to have gone. The object in writing these diaries was to show the work I had done each day. My wish was to inform the District Magistrate—but I didn't send him the diaries. I knew when investigating this case that serious charges were made against my subordinate police. The Head Mohurir Upendra Nath Bose keeps all the diaries. I can't say whether the Head Clerk kept them or not. Before this Head *Mohurir* I had another Head *Mohurir* named Rajendra. He was transferred to Khulna last year—I think about September or October. Before he was transferred I suspended him. I suspended him on the verbal report of the Head Clerk Koilash Chunder Dey, made to me at the circuit house. I don't know whether Rajendra's transfer to Khulna had anything to do with his suspension—the Deputy Inspector-General transferred him. He was under suspension when he was transferred to Khulna. I drew up certain charges against him—I believe it was after suspending him. Nothing further has been done on the proceedings which I drew up against Rajendra since his transfer. In addition to my proceedings the Head Clerk brought a charge against him but I allowed it to drop. I remember the case of Empress *versus* Mohesh Chandra Guha. I was cross-examined in that case at very great length two or three days I believe by Mr. Das, a Barrister.

Q.: Did not Mr. Das all through ask you questions tending to show that you were completely in the hands of Koilash Babu your Head Clerk?—*A.*: That was the tendency of his questions.

Examination continued: I have not read the evidence Rajendra gave in that case. I believe Rajendra did state in evidence that Osman Ali called Koilash father. Koilash Babu was Head Clerk when I came to this District. I don't know how long he had been in the office before. I can't say exactly how many years Osman Ali has been here but he was here when I arrived. I cannot say whether Koilash and Osman Ali are on good or bad terms. I believe the tendency of the defence in Empress *versus* Mohesh Chunder Guha was to show that Osman Ali through Koilash had passed off the stolen notes through a shop in which Koilash and Mohesh's son and co-accused Kumudini were partners. I did not even though I knew that make any enquiry as to the terms on which Koilash and Osman Ali were.

Q.: Did you think when sending these special diaries to the office that the natural result of your doing so would be to inform not the District Magistrate, but Osman Ali of what you were doing in the case and of what the witnesses said?—*A.*: No Sir. I did not think of that at all. It did not strike me.

It did not strike me when complainant came to me at the Circuit House and said he could not give a list of his witnesses, that one possible reason was that he did not wish the Police to know beforehand what witnesses he was going to get me to examine. When complainant submitted his list, I issued summons to the witnesses through my office and through the Sudder Station, of which Osman Ali was in charge. I ordered the office on the 10th September to issue summons. Summonses were for the witnesses to attend on the 12th, at the office, at the Police Office. Exhibit B4 is the list complainant gave me. The initial and date on it are in my handwriting. I examined the complainant's witnesses at the Police Office, from 1.30 to 4.30 p.m., on the 12th September. I believe the Head Clerk was present when I examined them. I put questions to the witnesses and those they did not understand the Head Clerk translated to them. I did not understand all their answers. What I did not understand the Head Clerk translated. The complainant had no pleader or mukhtear with him. He was present all along himself. There was no one on complainant's side who knew English and could have said if the Head Clerk translated wrong. I questioned the witnesses shewn in the margin of the Special Diary as 6 to 21 and 23 to 28. I noted in my diary that they knew nothing of the occurrence. I don't recollect those witnesses or some of them saying that they had heard the other witnesses, the eye-witnesses deposing before Osman Ali, that they had witnessed the murder. I knew when examining those witnesses on the 12th, that in Osman Ali's diaries there was no mention of anyone having told him that they had seen the murder committed. On the 13th September, I examined the accused. I did nothing else on that day. On the 14th I went down to the place of occurrence and drew up a plan of it. I did not finish any plan on the 14th. I went down again on the 15th. On that date I finished the plan. I did nothing else that day. After finishing the plan I went and saw the District Magistrate, showed him the plan and told him what I had done. That may have been two days after. He told me afterwards to submit B form. I did not submit any written report to the District Magistrate till he ordered me to do so. I do not recollect if I showed him my diaries. I am not sure if I told him what the witnesses had said. Eventually, on the 28th September I submitted a C true form with my own remarks. The C form was drawn by Sub-Inspector Osman Ali. The papers shown me are the C form and my remarks. (These papers are marked as Exhibits Y1 to Y8, cash sheet being separately marked as before.) The order in the C form under date 28th September is in Mr. Ezechiel's handwriting. I sent Exhibits Y1 to Y8 to Mr. Ezechiel. I did not take them to him. I do not think I had any conversation with him before he passed that order to send up A form. The reason why I sent up C form instead of B form was that the accused had not been arrested.

On reading it over the witness stated I meant that C forms and not B forms are submitted in cases when the accused are absconding.

A. Pennell,
Sessions Judge.

The 19th January, 1901.

Q.: But is not B form for cases in which the accused are absconding?—*A.*: Yes.

Besides that the District Magistrate informed me to look up Osman Ali's diaries again. I believe that if I had sent up B form warrant would at once have been issued against the accused. B form is applicable only to cases when you know the accused but can't arrest him. The District Magistrate ordered me to send the Inspector down to arrest the accused and submit B form. I sent the Inspector down to the place to arrest the accused, it was the Inspector B. Division. I know his name—but don't remember it—it was Mathur Babu—Mathura Nath Guha. I believe he arrested some of them, but some he could not find. I believe he arrested some of the accused before I submitted C form. I submitted C form instead of A form, because I myself did not believe the case. When I have arrested an accused I can't submit B form. I have to submit either A form or C form. Before I submitted the C form I consulted Osman Ali and the Inspector Bharat Babu. We talked over the evidence. They did not advise me to submit any form—I myself said I thought it would be better to submit C form. I can't recollect if they expressed an opinion that the case was false. I never went out to the place again after the 15th September. I have always considered Osman Ali to be of good detective ability—whenever I have had anything specially difficult to do—any specially difficult case I have usually put Osman Ali on it. He has been

The witness corrects on reading over to B form is submitted in cases where the accused is arrested before the Police before the investigation is finished, and there is not sufficient evidence to send him up.

A. Pennell,
Sessions Judge.

The 19th January, 1901.

the only Sub-Inspector I have had whom I could depend on for a difficult case. I believe I have recommended his promotion. I believe he has been promoted while I have been here. He has received a watch and a medal while I have been here. I have had every confidence in him.

Cross-examined by Babu Radha Kanto Aich for Accused: When I recorded the complainant's statement on the 9th he gave the names of some witnesses. That was at the Circuit House. He named Torap Ali, son of Bakshi Chowkidar of Chur Uria, Wasil father's name not known of Chur Uria, Abdul Karim, father's name not known of Chur Uria and Ismail, father's name not known of Chur Uria. He simply said that some of these witnesses saw his father killed. He did not say which of them. I don't recollect complainant's saying on the 10th, which of his witnesses had witnessed the occurrence. I had no conversation with him when he filed the list of witnesses. I do not remember that the list was handed over to me by a clerk of Jasoda Babu, Mukhtear. Exhibit B7 is the *hazira* or list of witnesses submitted to me on the 12th. I believe the witnesses came with the complainant.

By the Court: Complainant with his witnesses appeared before me. I did not see them coming as I was inside the office.

Cross-examination: The colloquial Bengali of these parts is more difficult to understand than ordinary Bengali. I had some idea of what the witnesses said even when I had to get the head clerk to translate. If I could not understand the whole answer of the witnesses, I perhaps might not be able to detect mistranslation by the head clerk. So far as I am aware, I did not detect any such mistranslation. I know the Bengali equivalent of the word "dark" and of the word "waist." I also know the equivalents of wife and mother. Hosan Ali stated to me that it was six *gharis* of the night. It was dark. It had been raining, but the rain had stopped. He also said that the first accused (Sadak Ali) held Ismail by the neck and the other two Aslam and Anwar Ali by the waist. He also stated to me that he did not tell of the occurrence to his wife, mother or to any member of his household. He said, we also told this to Atar Ali whom we met at the gate of Har Chunder's house. Without referring to the diary I cannot remember what the witness said. (The witness had been saying "yes" to questions asked him by the pleader reading from the diary.) Torap Ali said that the night was dark and it was raining a little. He also said that when we met Atar Ali he was about half a mile from Hur Chunder's house. He also said that Nanda Basi, Nanda Thakur, Hosan Ali and some others were present when he gave his evidence before the Sub-Inspector. He also said "we were examined by the Sub-Inspector on a Tuesday the 7th or 8th Bhadro at about one *prohar* of the day." Islam stated before us that "I cannot say whether the man being carried was dead or alive." He said that "the night was dark, but it was not raining then. I saw this by the flashes of lightning." I do not find that any of those three witnesses told me there was star light.

At this stage the Court adjourned for the day.

18th January, 1901.—Case resumed. The witness further cross-examined by Babu R. K. Aich, pleader for the accused.—I actually made a plan of the place of occurrence. Exhibit A is that plan. I have never seen Abdul Mallah, but I believe he resides somewhere about there. I have shown his house in the plan. I saw a tank called the Kalabhanga tank. That is also shown in Exhibit A. The distance from Kalabhanga *dighi* to Abdul Mallah's house would be about one quarter of a mile. I went over the place and so I can say that. The distance from that *dighi* (tank) to the deceased's house would be about three-fourth of a mile. I myself went over the three roads shown in Exhibit A. On the 2nd day, the 15th, the witnesses Torap Ali and Hosan Ali were with me. On that day I finished and went over this side—the side including the three roads. I asked them both to show the road they had taken in coming from Bellew Saheb's *hat* to their respective houses. The road they pointed out was Binode Bepari's road. It was past the tank. They came from Bellew Saheb's *hat* by Bairagi *hat* road and Benode Bepari's road, and when they got to the points marked R and S in the plan they say they saw the occurrence. Benode Bepari's road passes by the tank—Kalabhanga tank—by the east side of it. Bairagi *hat* road passes by the north side of that tank. I should say the more direct road to their houses would be Guna Mir's road or Arshak Jemadar's road. I asked the men why they took a more circuitous road instead of the direct one. They could not assign any reason. I think Islam was with me on the 14th September, when I was making the plan of the 1st day. I did not think it necessary to remove Osman Ali from the Sadar when the District Magistrate ordered A form because I had no suspicion in my mind against him. I can't say for certain how long Osman Ali has been in service. He has all along I believe been in this district. He worked up his way from a constable. For a short time, I believe, he was in Barisal or Jessore, I am not sure which—for about three months (all these latter statements volunteered). I believe he has been in Government service for more than 25 years. He is in the second grade of Sub-Inspectors. I believe Osman Ali was given the watch in the time of my predecessor Babu Rash Behary Biswas. The chain was given him by the District Magistrate, on recommendation. I did not ask Osman Ali at the time about the allegations in paragraph 5 of Exhibit 3, but I asked him some days after. Some days after I asked the Head Clerk and the Inspector. When I went to the place on the 28th

August the complainant did not, so far as I remember, speak of any relationship between Osman Ali and the accused. The complainant did not before applying to the Magistrate on the 6th September apply to me to have the investigation made by some other officer. I did not draw Exhibit A myself. It was drawn by the aid of the Court head constable. But I was present all along. That head constable's name is Mohim. The Inspector Bharat Babu was with me on the 15th when I went over the roads with Torap Ali and Hosan Ali. He was also present on the 14th. It is a fact that in all these cases three sets of diaries are prepared, the original remains at the Thana, one copy is sent to my office and another copy to the Court Sub-Inspector's Office. When the Magistrate wants to see any diaries, he sends for those which are in my office and for those in the Court Sub-Inspector's Office. In special report cases of which this is one I write special reports from those diaries. Some special reports go to the Commissioner through the District Magistrate. Some special reports go to the Inspector-General direct. I think I have made a mistake. I think the reports to Inspector-General do go through the Magistrate.

On being read over the witness corrects to :—The Magistrate can see either the diaries in my Office or the Court Sub-Inspector's—either of the two.

A. Pennell,
Sessions Judge.

The 19th January, 1901.

By the Court: There are no special reports which stop short with the District Magistrate.

Cross-examined: In this case, I sent such reports to the Magistrate for transmission. I know Joshoda Babu Mukhtear. I examined him in this case. I believe he was conducting the case for the prosecution. I don't know Nanda Basi. I believe I did make some enquiries as to Osman Ali's calling Koilas father. As far as I can remember there was no suspicion in my mind, after I made those enquiries, that the statement was true. When I suspended Rajendro there were several other charges against him besides the verbal statement of the Head Clerk. Rajendro went up against my order to the Magistrate and the Commissioner.

Cross-examined by Babu Tarak Chandra Guha, Government Pleader for the Crown: I did not ask complainant what fact would be proved by what particular witness. I don't recollect whether he told me then and there that he would file a list of witnesses afterwards. After referring to my diary, I say, though I cannot say from memory, that he said he could produce other witnesses and would file a list of them. I cannot make out anything from Exhibit 5 at all. Exhibit A represents the true state of things so far as I know. I cannot say for certain whether or not the road I call Gura Mir's road is on the same level with the paddy fields. I believe there is a break somewhere near the junction of Arshak's road and Gura Mir's road towards the south. It would be about 20 or 30 yards from the junction. There may have been other breaks, but I do not recollect that there were any other breaks on Arshak Jemadar's road. Arshak Jemadar's road is the one which passes to the west of the deceased's house. The length of the break I saw was about the length of that table (say five feet) and the breadth would be about the breadth of the witness box (say one foot nine inches). I cannot swear that the length of that break was less than 60 feet. I passed along the road on horse back. There was some water in that break. As far as I recollect I asked some of the villagers to go into the water and test if it was deep or shallow. I found the water not to be deep. It was a little below the knees, more than a cubit. The break has not been shown in this map (Exhibit A). But it may be an omission on the part of the Court head constable who copied it. I have the rough map at my office and it is shown there.

(The Government Pleader then asked the witness to send for this rough map and the witness did so.)

Cross-examined: I signed Exhibit A without comparing it with the rough map prepared in the locale. I did not measure the length of the roads. I have not entered things in my own handwriting in the rough map. I can't say Exhibit 5 is wrong; but I can't trace things from it. I can say from my knowledge of the locality that the map I now have before me, the one marked Exhibit A is correct. Exhibit A*a* is the rough map I spoke of.

By the Court: I last saw Exhibit A*a* the day before yesterday.

Cross-examination. *Q.*: And this rough map was also drawn not by you—by Mohim, head constable?—*A.*: Yes, in my presence.

Cross-examined: I have noted the break in that map. The two black pencil lines (within which Exhibit A*a*1 is now written) are the notes I made. I did not note on the map that those two lines represented a break. That is the only break that I found. Binode Bepari's road is on the east of the deceased's tank. On the 28th August when I went to the mofussil Osman Ali showed me the place where the deceased was said to have been attacked and I saw certain signs there on the spot. The marks looked to me as if there had been a struggle at the spot. I should say by guess that the distance from that place to the deceased's house is about the distance from my office to the District Board Office. I should say about 100 yards. By house, I mean hut. The distance from the place of struggle to the tank would be about 70 or 80 yards. I have not noted the distances in my map (then). I may have, but I can't say for certain. Referring to Exhibit A*a*, I do not find that it has been noted. I did not go on the 28th August to the houses of the accused Sadak Ali and Aslam. I only went to the house of the deceased.

Q.: Osman Ali has stated in his diary that you went there. Is that correct?—*A.*: I can't recollect. I may have passed the houses on the road.

Cross-examined: I reached the place at 8 a.m. and returned at 10 or 10.30 a.m. As far as I remember I asked the Sub-Inspector where the accused were. As far as I can recollect, I don't think I found or met with any of the accused on that occasion with the exception of the village chowkidar, Osman Ali chowkidar. It is a fact that I found the houses of Sadak Ali and Aslam deserted. That there was no one there. I believe so. I went to the *bari* of Torab Ali witness. I did not find him there, but I cannot say if he was there or not. I examined his wife. I can't say if he was there. It is a fact that in the absence of the permanent Government Pleader Khan Bahadur Bazlur Rahim conducted the case for the prosecution in the Lower Court.

Q.: Can you render into colloquial Bengali the expression star, star light?

Question by the Court: What do the people here call it?

The witness hesitated for a long time and then said.

A.: *Sat prohor*, I think *sat prohor.*

Cross-examined: The Head Clerk only translated those portions of the witnesses' answers I could not understand. I cannot swear looking at the depositions recorded by me which answers he translated. As far as I can remember I think the depositions were read over to the witnesses. They were translated to the witnesses by my Head Clerk. I think there is not any note in the depositions recorded by me that they were read over. I put questions to the witnesses. I do not remember that anyone suggested any questions to me.

Q.: Did your Head Clerk suggest any questions?—*A.*: At present I can't recall to my mind that he did.

Cross-examination: I can't swear that he did or did not. I cannot say if Amjad Mir is the *punchayet* of the village of the deceased, as I made no enquiry on the point. I may have made enquiries when Exhibit 3 was received and hence I came to know that he was *punchayet.* I think I made the enquiry in office—I think from my Head Clerk.

Q.: Having regard to the seriousness of the allegations that Amjad Mir was a relation of the investigating officer, and that he was helping the accused, did you make any enquiry into the truth or falsehood of the allegation that Amjad Mir was a *punchayet* of the village?—*A.*: I cannot recollect that I did.

Cross-examination: I cannot say from my personal knowledge whether Amjad Mir is related to Osman Ali. I believe Osman Ali was called upon by the Sub-Divisional Officer Feni to show cause why he should not be prosecuted under Section 211 in nine salt cases which he challaned. Those nine cases were transferred from the Court of the Feni Sub-Divisional Officer to that of Babu Ashutosh Banerji here. Yes, I believe Ashutosh Banerji has dismissed all those cases. I have not as yet taken any action against Osman Ali after the dismissal of those cases. Those cases were dismissed before the puja vacation. I know that a certain number of cases which Osman Ali had sent up in C Form were directed by Mr. Ezechiel to be sent up in A Form. It is a fact that in some of those cases convictions were obtained. I did not take any steps against Osman Ali after convictions were obtained in those cases—except calling for explanations.

Q.: Am I to understand that after receiving explanations you dropped the whole matter?—*A.*: I don't think I have dealt with all the explanations as yet.

Cross-examination: I know the Lambakhali road. Osman Ali did not point out to me that road as the one which led from Bellew Sahib's Hat to the houses of witnesses. I know of a case in which Hamid Ali Chowkidar was complainant and Sirajul Hak accused—decided by Babu Sarat Chunder Sen, Deputy Magistrate. It was a case of cattle lifting. I did not take any action upon Sarat Babu's remarks against Osman Ali in that case.

By the Court: (At suggestion of Babu R. K. Aich). Yes, I believe an enquiry was made into those remarks under my orders—by the Inspector—by Bharat Chunder Mazumdar.

By the Court: Osman Ali was present when I first went to deceased's house on the 28th August. He was present on the 14th September at deceased's house. I met him again on the 15th by Bairagi Hat road. What I said about the three sorts of diaries does not apply to my own diaries, those prepared by myself. No copy of them is sent to the Thana. It was in the morning of the 9th September so far as I remember that complainant came to me at the Circuit House; it may have been about 9 or 10 a.m. I think I had finished with him in about half an hour. I can't exactly recollect who was present when I examined him. I do not as a general rule have any Police Officers at my house at that hour. I finished with complainant before breakfast. I did not send in any diary till 6 p.m. I did nothing else in the case in the meantime. I sent in my diary to my office at 6 p.m., either the Head Mohurir or the Head Clerk took it.

I don't usually have them at my house at that time. I think I made over the diary in the office. No one helped me to draft that diary. (It had first been shewn to the witness whom I asked to read it over.) It was suggested to me in the trial of Mohesh Chunder Guho that my Head Clerk does help me to draft diaries. He has as a matter of fact once or twice helped me to draft them. The expression "pleaded his inability" in Exhibit B1 is mine.

Read over by the witness himself and admitted to be correct.

A. Pennell,
Sessions Judge.

The 19th January, 1901.

DEPOSITIONS OF WITNESSES FOR DEFENCE.

I.—Krishna Chandra Bhadra, Head Constable.

The deposition of defence witness No. 1, aged about 41 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 21st day of January, 1901.

My name is Krishna Chandra Bhadra. My father's name is Buddhimant Bhadra. I am by caste Keyesth. My home is at Mouzah Kistanagar, Police Station Nabinagar, Zilla Tippera. I reside at present in Mouzah Sudharam, where I am Police Head Constable.

I investigated this case in the end of August. I went to the place when the occurrence was reported as an unnatural death. I made a *surothal* (report of the condition) of the corpse on the day after the occurrence. I made the *surothal* on the 26th August. I despatched the body, but I myself remained in the mofussil. I went round and made enquiries and looked about me. The Sub-Inspector arrived at 2 a.m. on the 27th August. On that day, the 27th, in the day time, I searched certain houses. I searched five or six houses. I forget which. It is entered in my diary—my special diary now in Court (diary handed to witness). I searched the houses of Emdadullah, Abdul Halim, Abdul Hakim, Abdul Karim, Yakub Ali and Aminuddin—those six—some of them were at home, Emdadullah was, and Abdul Hakim and Abdul Karim, and Yakub Ali and Aminuddin. Only Abdul Halim was not found; other houses were searched by the Sub-Inspector, Osman Ali. The Daroga went towards south and I went towards north. Idris was not with me when I searched; there were some villagers with me, but I don't remember their names. Idris went with the Sub-Inspector. I made these searches under orders of the Sub-Inspector, as there were many houses to be searched. No *alamat* (incriminating article) was found in any of the houses of the accused. I went by the west bank of Ismail Jagirdar's tank, there was no water there, but there was a little mud, near the north-west corner. I went by the west bank and then by the north bank till I got upon the road. The way along the north bank was in a good state. I returned at 10 or 11 a.m. to the complainant's house, and found the Daroga already there. I did not do any other work that day. The Daroga was in that same house (*bari*). I do not remember for certain if any witness was examined that day—it would be in my diary. Next day I was at that same *bari*. The District Superintendent of Police came that day. The Sub-Inspector questioned some witnesses that day and the District Superintendent of Police questioned some witnesses, the complainant, his mother and Osman Ali Chowkidar. The Sub-Inspector on that day questioned some of the neighbours. The Saheb arrived at 8 a.m. and went away at 10 or 11 a.m. I was with the Daroga when the Saheb went away, we were both in Ismail's Jagirdar's yard. The Sub-Inspector and I were together the whole day. I know Islam, but I did not know Hosan Ali or Torab Ali till the last few days. None of those three witnesses deposed on that Tuesday before the Daroga (the witness here scratched his ear). I remained at the place for four or five days after. During that time none of those three witnesses deposed.

Cross-examined: The *surothal* which I drew up would be in the Police Office. The rule is that the *surothal* should be in the record. I cannot say without seeing the *surothal* whose names were in it as witnesses. (The question was, was Amjad Mir's name in it as a witness?) I cannot say without seeing it whether Amjad Mir's name was in it or not.

Question by the Court: Will you swear yes or no that Amjad Mir's name was not in the *surothal*?—*A.*: It was not.

Q.: Why did you say just now that you could not tell whether or not Amjad's name was there?—*A.*: I remember that Amjad Mir was not there, that Amjad Mir who is *punchayet* of the village.

Q.: I give you one more opportunity of answering the question. If you do not give an answer I will commit you to jail. You have said that Amjad Mir's name was not in the *surothal*. But you said a few minutes ago that you could not tell without seeing the *surothal* whether his name was in it. What is your explanation?—*A.*: I meant that the name of Amjad Mir who was *punchayet* of the village was not in the *surothal*.

Cross-examined: I cannot say if Amjad Mir was a witness. I know Amjad Mir the *bihai* of Osman Ali. He was not present when I drew up the *surothal*. I know Hamidulla the man called Hamidar Thaka. He was present. He was a witness to the *surothal*. I do not know that he is that Amjad Mir's nephew or that he is connected with him. I did not see Hamidulla afterwards during the investigation. I saw Amjad Mir the *bihai* of Osman Ali on one day during the investigation. In the *surothal matbars* and *punchayets* of the village are made witnesses. There are five *punchayets* of that village—Ram Kumar Das, Tuku Munshi, Amjad Mir and Ram Hari Sil. I forget the other. The Hamida Thaka who was a witness was not a *punchayet* of that village. His house is within a mile of the house of deceased. It is in Pran Jagannath, in another Mouzah. I found him at the place. I found Alamat on the road by the side of the tank—there is a depression and I found foot-prints and knee-prints on both sides of it. A plant about a cubit high called *goada* was broken. The place where I found these marks is north of the *baris* of Sadak Ali and Aslam—it was on the road which leads by the south bank of Ismail Jagirdar's tank. I can't say whether or not the Sub-Inspector in my absence went to the houses of those accused whose houses I searched. On the road which passes to the south of Ismail's tank, there was in one place, for about 10 or 12 cubits, mud and water. I can't say how much water. One could pass by the side of that break through the jungle without getting wet feet. The break to the north side of the tank and that to the south side were about equal. There was a dry space to the side of the break on the north-west of the tank. There are ditches on both sides of that path. At the place where the break is, the sides of the ditch are on the same level with the road. In that month of Bhadro there was water in the ditches. It was past 10 o'clock when the District Superintendent of Police left on the 28th August. The District Superintendent of Police did not go to the houses of any of the accused—to Sadak Ali's or Aslam's house. As the District Superintendent of Police was returning he saw their houses. He went inside their *bari*. There was in the *bari* a boy of eight or ten; no one else.

By the Court:—

Q.: Why did you say just now that the Sahib did not go to the houses of Sadak Ali or Aslam—now you say he did?—*A.*: While he was at that house (*i.e.*, complainant's house) he did not go to the houses of any of the accused, he did so as he was returning.

Q.: How far is the *bari* of Sadak Ali and Aslam from that of Ismail?—*A.*: They adjoin.

Q.: Did you believe just now, when the Government Pleader asked you whether the District Superintendent of Police went to the house of Sadak Ali and Aslam, that he meant to limit his question to the period that the District Superintendent of Police was at Ismail's house?—*A.*: Yes that is what I thought.

Cross-examination: The Sub-Inspector did not on the day the District Superintendent of Police went there, the 28th, depute me on any duty. I was that whole day and night at Ismail Jagirdar's *bari*. I did not go anywhere else.

Q.: Is it not the fact as stated by Osman Ali, that he deputed you that day to make enquiries and that you returned at 10 p.m. and told him that you had found out nothing?—*A.*: I do not remember it.

Q.: Can you swear that you did not go out of complainant's *bari* that 24 hours?—*A.*: I did not go beyond the village.

Q.: I am speaking of complainant's *bari*. Can you swear you did not go out of that?—*A.*: I cannot say for certain.

Cross-examination: I can say for certain that during the whole day the Daroga did not examine the three witnesses, Torab Ali, Hosan Ali and Islam. I cannot say how many witnesses or what witnesses Osman Ali Daroga examined on that day. I did not know Hosan Ali or Torap Ali before. I first saw them in Court. I had never seen them till they came to Court to give evidence. The Daroga examined some witnesses when the Police Saheb was there, but whether I was looking at my diary or paying attention I can't remember (the latter statement volunteered). I was sitting to the north side of the tamarind tree when he Daroga took depositions but how long I remained I cannot say. I cannot say on which side of the tamarind tree the Daroga was seated. I do not remember whether it was in the morning or in the afternoon that the Daroga examined witnesses. Some time I was in the *cutcheri* hut. I can't say at what time I was under the tamarind tree and at what time in the *cutcheri* hut.

Re-examination: Torap Ali, Hosan Ali and Islam were not there. I cannot say what other witnesses the Daroga examined. The *cutcheri* hut and the tamarind tree are quite close. They are 5—7 cubits apart—7 or 8 cubits. The *doroja* of Sadak Ali and Aslam leads east. Their *doroja* is south of Ismail Jagirdar's *doroja*.

By the Court: On the last occasion Osman Ali has been in charge of the sudder thana since 1899, he was also in charge before. I have been attached to that thana for five years. Osman Ali is still in charge of that thana. He has not been suspended. So far as I know no proceedings have been instituted against him by the superior Police authorities. Koilash Chunder Deb is still the head clerk of the Police Office and Mr. Reily is still the Superintendent of Police of this District. I made over my *surothal* to the Sub-Inspector Osman Ali on the night of the 27th August. I have not seen it since.

Explained to the witness in Bengali and admitted to be correct.

A. Pennell,
Sessions Judge.

A. Haidar,
Sessions Clerk.

The 21st January, 1901.

The 22nd January, 1901.—Re-called and further cross-examined by permission of the Court. I do not know any witness Islam. I know Islam who deposed for the complainant. I cannot ~~say without seeing the papers~~ whether Islam was a witness to the *surothal*, it is in my diary. (Refers to diary.) Islam was not a witness to it. I say I know Islam the witness because I had got to know him before. I have been to the mofussil before and so got to know him.

By the Court: I did not say yesterday that Islam was a witness to the *surothal*.

Read over and admitted to be correct.

A. Pennell,
Sessions Judge.

The 22nd January, 1901.

II.—Bharat Chunder Mozumdar, Police Inspector.

The deposition of defence witness No. 2, aged about 55 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. Pennell, Sessions Judge of Noakhali, this 21st day of January, 1901.

My name is Bharat Chunder Mozumdar. My father's name is Ananda Chunder Mozumdar. I am by caste a Baidya. My home is at Mouzah Aidhar, Police Station Kendua, Zilla Mymensingh. I reside at present in Mouzah Sudharam, where I am Inspector of Police.

I supervised the investigation of this case. It was investigated by Osman Ali. I supervised the investigation on the 30th and 31st August and the 1st, 2nd, 3rd and 5th September. I came back every evening to my lodging at Sudharam. Many villagers were questioned. I questioned them and Osman Ali also questioned. I went myself one day—a market day—to Peshkar's Hat, which is close to the place of occurrence and made enquiries of the people at the hât. I do not know the witnesses Hosan Ali, Torap Ali and Islam—not even now. I went to the place of occurrence again on the 14th and 15th September under orders of the District Superintendent of Police. There were many people present there. I have not seen who have given evidence in this case, so cannot say if they were present. Mohim Head Constable prepared a plan on those days.

Cross-examination: I made no record of what witnesses or other persons told me. I have a personal diary. I have sent a copy to the District Superintendent of Police's Office. I don't remember for certain when I first got orders to supervise the investigation. I do not remember for certain whether or not I have ever seen the *surothal* of this case. The rule is that in every case the *surothal* should be with the record. I accompanied the District Superintendent of Police on the 14th or 15th September when the plan was prepared, the roads were not measured. There are roads to the east and to the west of Ismail Jagirdar's *bari*. I saw the draft of the plan as it was made. I did not see that. Looking towards Exhibit A*a*, I can't say for certain if Exhibit A*a* (which the witness examined more closely) is the draft. I cannot remember after looking at Exhibit A*a*, whether or not there was another road to the west of that which passes west of Ismail's *bari*. On the first day the District Superintendent of Police and I came out from Ismail's house to the road which is south of his house and followed it to the Icchakhali. We came out from the *cutchery* hut to the *ghat* and then following the south side of the tank we came to the place where deceased is said to have been murdered and came out to the right on that public road which leads to Icchakhali. That public road passes to the east and south of Ismail's tank. We came to the fourth mile post. On that day we also went to the houses of some of the witnesses which are beyond that mile post and the Sahib questioned some people there. As far as I can remember nothing more was done that day. Next day we went to Bellew Sahib's Hat. Mohim Head Constable also went there. From there we went south-east till we came to the Chur Uria road. I then for the first time got to know the name of the Kalabhanga dighi. We went by the north-east and south sides of that *dighi*. We came by the road which passes east of Ismail Jagirdar's house, the day before we only did the south part of that. We did not go right up to the point we started from the previous day, but after we struck the north bank of the tank went along it towards the west. Two roads meet there and I remained standing at the junction. The Sahib went south to see the bank, but I did not go with him. The whole time I was there I never went along that road where the breaks are.

Read by the witness himself and by him admitted to be correct.

A. PENNELL,
Sessions Judge.

A. HAIDAR,
Sessions Clerk.

B. C. MOZUMDAR,
Inspector.

The 21st January, 1901.

III.—MOHIM CHANDRA MOZUMDAR, Head Constable.

The deposition of defence witness No. 3, aged about 24 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 21st day of January, 1901.

My name is Mohim Chandra Mozumdar. My father's name is Girish Chandra Mojumdar. I am by caste Kayesth. My home is at Mouzah Mirwanspur, Police Station Begumgunge, Zilla Noakhali. I reside at present in Mouzah Sudharam, where I am Head Constable of Police.

I went to the mofussil on the 14th and 15th September in connection with this case under orders of the District Superintendent of Police. I went there alone and found Osman Ali and Bharat Babu at the place of occurrence. The Saheb came later. This was on the 14th. I prepared a plan by the order of the District Superintendent of Police and in his presence. I measured the yard, bank of the tank and the *Doroja* up to the place of occurrence. I did not measure anywhere else. I commenced the plan from Ismail Jagirdar's *bari*. I then got to the Ichakhali road. From there the District Superintendent of Police went to the houses of certain witnesses. I showed the names of houses on the way as the District Superintendent of Police told me—he questioned people. The District Superintendent of Police afterwards went to a house and examined a woman. Then we returned. Next day we came from Bellew Sahib's Hat southwards to the Bairagi Hat road. From there we went eastward. I have shown the Bairagi Hat road up to the town. Exhibit A*a* is the plan I made. Referring to it I say that we came by the east side of the Kalabhanga dighi and by Binod Bepari's road and reached Ismail Jagirdar's *bari*. We came to the point K, where deceased is said to have been seized. We came by the south bank of the tank to the *ghat* where the body is said to have been floating. We came by the west bank of the tank and then turned west and by the road shown in the plan reached Ashak Jemadar's road. We went a little way north along that road. Both parties asked us to see a break and we went there. After seeing it we returned. The Sahib, the Inspector, Osman Ali and myself went along that road to the south. We went south as far as the break. We did not go further south. We did not go further as we were in uniform and there was water in the break. I know the witnesses Torab Ali and Hosan Ali. I saw them on the 15th on the Boiragi Hat road. The Sahib asked them which road they had come. They pointed out to him the road by the east bank of the Kalabhanga tank. They said they had come there from the west by Boaragi Hat road. We did not go along Guna Mir's road. We came a certain way south from Boiragi's Hat road and then turned back. I also prepared Exhibit A.

Cross-examination: In Exhibit A I have not shown any break. I do not find anything in Exhibit A*a* either to show a break. We did not go southward of the break because we had our uniforms on and there was water and mud. That break is not far from the Ichakhali road which I have shewn in the map. I saw a *modi's* (grocer's) shop on the Ichakhali road; the break will be less than a quarter of a mile from there. There is another break to the north of that I have spoken of; it is 10 or 12 cubits long and 5 or 6 cubits broad. Between these two breaks there were smaller breaks, bridged by bamboos with earth on top. In the south break there was mud and about 18 inches (1 cubit) of water. I did not show the break because the District Superintendent of Police did not tell me to.

Q.: Did you purposely omit it?—*A.*: I put down whatever the Sahib Bahadur told me to (the witness wrong in head).

Cross-examination: He did not tell me not to show the break. I was not bound to show the true state of things. I only put down what the District Superintendent ordered me to. In those two maps Exhibits A and A*a* whatever is shown is correct. I was always with the District Superintendent, Police. I did not go on any road by which he did not pass. We did not go along Guna Mir's road. I went by the two ends of that road, that is how I showed it. I did not go along it. I saw the middle part to a certain distance from each end and made the two meet. Bharat Babu, the Saheb and Osman Ali accompanied me throughout. At the time when we went the *math* (land under crop) was dry (*sukna*).

By an Assessor: I cannot say why I showed both the roads east and west of Ismail's house. I did it because I was told to.

By the Court: There was much talk between the parties as to which road the witnesses would have gone, and the Sahib said, let us see what will happen if we go by each road, and so we went by the western road as well as the eastern. We all—the Police Sahib, Bharat, I and Osman Ali—came back from the break because there was a break and water in it, and we should have got wet. It did not strike me to note in the plan the reason we could not go any further that way, nor did anyone tell me. I am attached to the Sudder Court.

A. Pennell,
Sessions Judge.

The 22nd February, 1901.

Note.—The signature was inadvertently omitted. The deposition was recorded on the 21st January, but as the witness did not wish to read it or have it read that day I did not then sign it.

A. Pennell.

The 22nd February, 1901.

IV.—Mahomed Amjad.

The deposition of defence witness No. 4, aged about 45 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 22nd day of January, 1901.

My name is Mahomed Amjad. My father's name is Asabuddin Mir. I am by caste Mussulman. My home is at Mouzah Solla, Police Station Sudharam, Zilla Noakhali. I reside at present in Mouzah there, Police Station , Zilla , where I am Howladar.

I do not know the accused in the dock. I am not connected with any of them. Neither I nor my wife has ever been to their houses. Osman Ali is my *bihai*. My son has married his daughter. I went one day only to the investigation of this case: it was the day this Inspector (pointing out to Bharat Babu) was there. I am not looking after this case.

Cross-examination: I was a *duftry* in the Collectorate. I was not dismissed: I was suspended and never attended there again. I know Tuku Munshi. It is not true that I was first suspended and then dismissed for forging his name. My son has not married Osman Ali's daughter as a " khane damad " (=the Hindu *ghar jamai*, or son living on his father-in-law). I do not know Abdul Latif, the *khas mehal* chaprasi, who has given evidence for the prosecution, nor did I sell any property to him. All my properties have been sold in execution of a decree of Luchman Babu's. That decree is not yet fully satisfied. My dwelling hut has not been sold—no huts in my *bari* have been sold. Hamidullah, who is called Hamida Thaka, is not my nephew: he is no relation of mine. He lives 2½ miles from me. The accused live not less than three miles from my house. I am *punchayet* of their village. The Inspector sent a *dafadar* for me, and I therefore came to the place of occurrence three or four days after Ismail Jagirdar's murder. I never went there before or after. No one—neither the village Chowkidar nor anyone else—informed me that such a murder had taken place in my village. I had heard of the murder before the Inspector sent for me. I had heard that Osman Ali Daroga had gone to investigate. There was rain and storm and I was unwell, and so I did not go to the place. It is not true that I went to Ismail Jagirdar's *bari* on the 10th Bhadra and became a witness to the *surothal*.

By the Court: I did not go to his *bari* on the 10th Bhadra—(then) I went on the day the Inspector went, but I don't remember the date.

Cross-examination: I do not remember that I have ever been punished criminally. I do not remember that I was ever fined. Hamida Thaka brought a case against Kabil, and Kabil brought one against Hamida. I do not remember that I gave evidence on behalf of Hamida in either of those cases. Those two cases were within the past twelve months.

Re-examined: There are five *punchayets* of Chur Uria, including myself.

Explained to the witness in Bengali and admitted to be correct.

A. Pennell,
Sessions Judge.

A. Haidar,
Sessions Clerk.

The 22nd January, 1901.

V.—ALI MANJHI.

The deposition of defence witness No. 5, aged about 70 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 22nd day of January, 1901.

My name is Ali Manjhi. My father's name is Badradin. I am by caste Musalman. My home is at Mouzah Solla Bharatkal, Police Station Sudharam, Zilla Noakhali. I reside at present in Mouzah there, Police Station , Zilla , where I am cultivator.

I do not know this accused Yakub Ali. I am not in any way related to him.

Q.: Do you know Osman Ali Daroga?—*A.*: I have seen him at the Thána. I am not related to him.

Examination continued: My house is 10 or 12 *kanis* to the east of Peshkar's Hat.

Cross-examined: I do not know Ana Mir, son of Karamuddin Chaprasi. It is not true that my mother was his father's sister. He is not related to me at all. I cannot give the name of my maternal grandfather (*nana*). His name was not Kala Gazi. I am the sole surviving son of my father. Muna Bibi is my sister. Her husband's name was Riazuddin. He is dead. He is buried at Osman Ali Daroga's house. He used to live in that *bari*; he served there (volunteered). Muna Bibi is not now in that house. Sometimes she stays with me, and sometimes with her brother. Riazuddin had a *bari*. Part of it has been washed away, but part remains. I don't remember my mother's name. I never saw any brother of hers. I used to live at Calcutta, and so did not see if she had any brother. I used to come home now and then. I did not stay all along at Calcutta. My mother's father's house is a long way from mine; it is somewhere in Balam Chur. I have never been to it. My mother died before the cyclone (of 1876).

Explained to the witness in Bengali and admitted to be correct.

A. PENNELL,
Sessions Judge.

A. HAIDAR,
Sessions Clerk.

The 22nd January, 1901.

VI.—ISLAM MANJHI.

The deposition of defence witness No. 6, aged about 35 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. Pennell, Sessions Judge of Noakhali, this 22nd day of January, 1901.

My name is Islam Manjhi. My father's name is Karimuddin. I am by caste Mussulman. My home is at Mouzah Chur Uria, Police Station Sudharam, Zilla Noakhali, where I am cultivator.

I am a cultivator and have a boat. I ferry people from Ichakhali to Chur Bihari. I know Islam and Rajab Ali. I live a quarter of a mile from Ismail Jagirdar. By Islam and Rajab Ali I mean the witnesses of those names. I heard of Ismail Jagirdar's death on the 12th or 13th Bhadro. I was then at Chur Bihari. Chur Bihari has no other name. Pagla Chur is another name for it. I have land there. When I heard of Ismail's death on the 12th or 13th, Islam and Rajab Ali were there, and also others. I left home for Chur Bihari on the 8th or 9th Bhadro. Many people went with me—Yasin, Ahmed Ali, Amiruddin and Dewan Ali. The day I got to the chur, I found Islam and Rajab Ali there. I reached the Chur the same day I left home. I returned home on the 12th or 13th—the day after I heard of the occurrence. Islam and Rajab Ali returned in the same boat with me. We go to Peshkar's Hat and Doctor's Hat on market days. Ducks and *parals* (fish traps) are procurable there, and also pigeons. The people of Chur Uria and Salla mostly do their marketing at those two hats, as they are nearest. Sometimes they go to Sahib's Hat. Betel-nuts (*supari*) are dearer at Peshkar's Hat and Doctor's hat, because those two hats are on a *khal*—they are cheaper at Sahib's Hat and Santasita. At Peshkar's Hat and Doctor's Hat there are several Beparis who come to buy them.

Cross-examined: I have not got any settlement of this ferry from the District Board, but I have taken a sub-lease from their lessee, Islam. I have no registered settlement with him. I have taken settlement for half for Rs. 200. I can't say for how much Islam has taken settlement. I know that Islam and Rajab Ali gave evidence for the Crown from hearsay. I can't say how much land Islam has or what his rent is. Nor can I give these particulars for Rajab Ali. I can't give the boundaries of Rajab Ali's land. Islam is west of mine. Tuku Mia is the only other defence witness who has land in Chur Pagla. Islam's land is bounded north by Afsaruddin Bepari, south by Durga Charan Mohajan, west by a *dona* (=*khal*). There is about half a *kani* belonging to Durga Charan Mahajan between his land and mine. This half *kani* is east of Islam's land. I pay rent to Manu Mia's sons. Islam and Rajab Ali have huts there to stay in. I can't say how many bullocks Rajab Ali has there. Islam has two. There is no fixed time for my boat to go or come. I can't say who went to the Chur in my boat in Posh, or on what dates. In this month of Magh Amins have been and some labourers whom I don't know. I do not trade in betel-nuts. I have never been to Bellew Saheb's Hat to sell them. I sold betel-nuts in Bhadro last at Peshkar's and Doctor's *hats*. I was fined Rs. 15 for plying my boat without a license—that was before I took sub-lease. No Karim Buksh gave evidence for me in that case. I did not bring a criminal case against Rajab Ali, it was the ijardars who brought it. Abdul Karim Manjhi, whose boat Rajab Ali plies, was fined Rs. 30.

Re-examined: I remember the dates in Bhadro because in Posh I went to Chittagong. I have not seen at Court that Afsaruddin who holds land north of Islam. He is called Afsaruddin Bepari. This man Afsaruddin (here called) is the man. I did not notice him when I came to depose.

Explained to the witness in Bengali and admitted to be correct.

A. PENNELL,
Sessions Judge.

A. HAIDAR,
Sessions Clerk.
The 22nd January, 1901.

VII.—AFSARUDDIN.

The deposition of defence witness No. 7, aged about 65 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. P. Pennell, Sessions Judge of Noakhali, this 22nd day of January, 1901.

My name is Afsaruddin. My father's name is Nanu Bepari. I am by caste Mussulman. My home is at Mouzah Solla, Police Station Sudharam, Zilla Noakhali. I reside at present in Mouzah there, Police Station , Zilla , where I am cultivator.

I have land in Chur Pagla. Islam, who has given evidence, has land there. His land is south of mine. I returned from the Chur one Friday, but forget the date. I knew Ismail Jagirdar. I heard of his murder. I returned home before he was murdered. I went back to the Chur five or seven days after that.

The accused's pleader declined to examine the witness further.

Not cross-examined.

By the Court: The witness last examined is called Islam Manjhi. He is not called Ismail Manjhi or any other name.

Explained to the witness in Bengali and admitted to be correct.

A. PENNELL,
Sessions Judge.

A. HAIDAR,
Sessions Clerk.
The 22nd January, 1901.

VIII.—CHAND MIA.

The deposition of defence witness No. 8, aged about 30 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, A. Pennell, Sessions Judge of Noakhali, this 22nd day of January, 1901.

My name is Chand Mia. My father's name is Mahomed Ismail Bhuiya. I am by caste Mussulman. My home is at Mouzah Chur Uria, Police Station Sudharam, Zilla Noakhali. I reside at present in Mouzah there, where I am *taluqdar*.

I have no land in Chur Pagla. I have cattle there. I went there in Bhadra on the 7th or 8th; it was after seven or eight days of the month had passed. On the 8th or 9th the Manjhis and other people (*ar o lok*) went with me. I returned after five or seven days. I know the witnesses Islam, son of Dari, and Rajab Ali. I saw them at the Chur and returned with them.

Cross-examined: I am not a tailor (Khalifa). I got a summons in this case. Fazal Munshi gave it to me. There is no Chand Mir Khalifa in our quarter. I was called by that name when a boy. I do not know any other Chand Mir Khalifa of our village. I do not know any Chand Mir Khalifa of Chur Uria having a shop in the Amtoli quarter of this town. I live 10 or 15 kanis from the prosecution witness Islam. We live in different villages (Mouzahs). I do not know Rajub Ali's father's name. I do not know the father's name of anyone else in Islam's village. I do not know that

Islam's father's name is Dari. I went to Chur Pagla to herd my cattle to put them in charge of another. Of those who returned from the Chur with me, I only remember the names of Tuku Mir and of the prosecution witnesses Islam and Rajab Ali and of the defence witness Islam. I cannot give the boundaries of Islam's land. I know the prosecution witness Islam. I do not know the place of occurrence. I have never been imprisoned. I do not remember that I was ever fined.

By the Court: I remember the date because I paid the wages of the man I hired to herd my cattle. I paid that man not at the Chur, but in my village. I paid him in Bhadra. I don't remember whether I paid him before or after going to the Chur. I got no receipt for the money. It was his past wages which I paid, it was not an advance. It was after three or four days of Bhadra had passed that I paid him. I remember that date because we made a *hisab*. I paid him for Assar and Srabon and three or four days of Bhadra and also for the time it would take to go to that place and return up to the 12th or 14th Bhadra. That herdsman's name was Tuku Mir. Tuku Mir preceded me to the Chur, after getting his wages. He left his boy in charge—he always leaves his boy in charge. I did not put my cattle in charge of any other man when I went there. I brought them back to the main land. I went there to fetch them. I went instead of sending Tuku Mir, because he had not agreed to bring them back. I paid him before getting my cattle back, because he said he was in need of money.

The pleader for accused here intimated that he would not examine any further witnesses.

A. Pennell,
Sessions Judge.

The 22nd January, 1901.

Explained to the witness in Bengali and admitted to be correct.

A. Pennell,
Sessions Judge.

A. Haidar,
Sessions Clerk.

The 22nd January, 1901.

DEPOSITION OF DR. NOBIN CHUNDER DUT, CIVIL MEDICAL OFFICER, BEFORE THE COMMITTING MAGISTRATE.

Admitted under Section 509, Criminal Procedure Code.

A. Pennell,
Sessions Judge.

The 15th January, 1901.

The deposition of Babu Nobin Chunder Dut, aged about — years, taken on solemn affirmation under the provisions of Act X of 1873, before me, K. S. Sen, Deputy Magistrate, this 21st day of November, 1900.

My name is Nobin Chunder Dut. I am Civil Medical Officer.

On 26th of August, 1900, I examined the body of a man identified to me as that of Ismail Jagirdar by Police Constable Ramdhon Barua and Idris Mian, son of the deceased. The body was fresh and fairly well nourished. There were several small abrasions of skin varying in size from 1½ in. by ⅛ in. to ⅙ in. by ⅛ in. on the left side side and front of the chest. Similar appearance was also found on the right side of the neck and top of right shoulder and also on the right side of the chest. One abrasion about ½ in. by ⅙ in. was found on the back of the fore-arm. Another abrasion about ¼ in. by ⅓ in. on the back of the right knee. A third abrasion in front of the left knee, and a fourth on the penis. The top and right side of the head, the right half of the forehead and the right cheek were generally bruised. There was a bruise about 2 in. by 1 in. on the back to the left of the spine. The left upper eye-lid was denuded of skin. On dissecting the scalp and the skin of the face quantities of effused blood were found underneath, on the top of the head, on the forehead, on both temples, and on the right cheek, effused blood was also found near the skin in front and sides of the neck. The lower jaw bone was fractured. The internal organs were all healthy, except the right lung at the lower margin of which signs of old inflammations were found. The brain and membranes, the lungs, the liver and the kidneys were congested. I am of opinion that death in this case was caused by violence. The probability is that he was struck on the head by some hard blunt weapon or thrown down upon a hard surface and that his neck was also pressed. These are the violences to which death might have been due. Bruises might have been caused by some hard blunt weapon even a man's clenched fist. Abrasions might have been caused by friction against some rough hard surface. I examined the body at 4.30 p.m. on the 26th August.

Cross-examination: Nil.

Read over and admitted correct.

KALI S. SEN,
Deputy Magistrate.

The foregoing deposition was taken in the presence of the accused persons who had an opportunity of cross-examining the witness. The deposition was explained to the accused and attested by me in their presence.

KALI S. SEN,
Deputy Magistrate.

DEPOSITION OF MOHOBAT ALI, BEFORE THE COMMITTING MAGISTRATE.

Admitted in evidence under Section 33, Indian Evidence Act.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

The deposition of Mohobat Ali, aged about 23 years, taken on solemn affirmation under the provisions of Act X of 1873, before me, Babu K. S. Sen, Deputy Magistrate of Noakhali, this 19th day of October, 1900.

My name is Mohobat Ali. My father's name is Amjad. I am by caste Mahomedan. My home is at Mouzah Chur Uria, Police Station Sudharam, Zilla Noakhali. I reside at present in Mouzah Ditto, Police Station Ditto, Zilla Ditto, where I am cultivator.

On 9th or 10th Bhadra last one Sunday at noon I learnt that Ismail Jagirdar was killed. Early in the morning of that Sunday I met with Sadak Ali present in Court (identified) in the village road of Chur Uria. He was going towards south, his wife and a child on his lap. After repeated enquiries he said he was going to his son-in-law's house.

Read over and admitted correct.

KALI S. SEN,
Deputy Magistrate.

SESSIONS JUDGE'S MEMO. OF THE EXAMINATION OF THE ACCUSED PERSONS.

EXAMINATION OF THE ACCUSED PERSONS.

(Section 364 of the Code of Criminal Procedure.)

I.—SADAK ALI.

The examination of the accused No. 1, aged about 45 years, taken before me, A. Pennell, Sessions Judge of Noakhali, on the 19th day of January, 1901.

My name is Sadak Ali. My father's name is Asraf. I am by caste Mussulman, and by occupation cultivator. My home is at Mouzah Solla, Thana Sudharam, District Noakhali. I reside there.

Q.: Did you make this statement (Exhibit 28 here read over to him) before the Committing Magistrate?—*A.*: Yes.

Q.: And did you with the other accused file this written statement (Exhibit 29 here read over to the accused)?—*A.*: Yes.

Q.: Do you wish to say anything else?—*A.*: No.

Q.: Will you examine witnesses?—*A.*: Yes.

The above examination was taken in my presence and hearing, and contains a full and true account of the statement made by the accused.

A. PENNELL,
Sessions Judge.

The 19th January, 1901.

EXAMINATION OF ACCUSED PERSON.

(Section 364 of the Code of Criminal Procedure.)

II.—ASLAM.

The examination of accused No. 2, aged about 30 years, taken before me, A. Pennell, Sessions Judge of Noakhali, on the 19th day of January, 1901.

My name is Aslam. My father's name is Lukhi Goldar. I am by caste Mussulman, and by occupation cultivator. My home is at Mouzah Solla, Thana Sudharam, District Noakhali. I reside there.

Q.: Did you make this statement (Exhibit 30 here read over to him) before the Committing Magistrate?—*A.*: Yes.

Q.: And did you file this written statement, Exhibit 29 (again read over)?—*A.*: Yes.

Q.: Do you wish to say anything else?—*A.*: I am a very poor man. I have not even a hut to live in. Nanda Thakur, Nanda Basi and Sadak Ali have in collusion caused me to be accused. They have joined with Jasoda Babu and falsely set up this case. On the night of occurrence after coming from work I had a headache and fever. I could not go out and could not even have my dinner that night. Though I paid my rent all right they brought suits against me and I have been paying the amounts out of my small earnings as a labourer. In the cattle theft case I was cited as a witness for the defence but I did not give evidence and on that grudge they have falsely accused me.

Q.: Why should Nanda Thakur, Nanda Basi and Sadak Ali accuse you?—*A.*: They demanded money from me, but I said I was not guilty and would not pay them.

Q.: Will you examine witnesses?—*A.*: Yes.

The above examination was taken in my presence and hearing and contains a full and true account of the statement made by the accused.

A. PENNELL,
Sessions Judge.

The 19th January, 1901.

EXAMINATION OF ACCUSED PERSON.

(Section 364 of the Code of Criminal Procedure.)

III.—ANWAR ALI.

The examination of accused No. 3, aged about 25 years, taken before me, A. Pennell, Sessions Judge of Noakhali, on the 19th day of January, 1901.

My name is Anwar Ali. My father's name is Haidar Ali. I am by caste Mussalman, and by occupation cultivator. My home is at Mouzah Chur Uria, Thana Sudharam, District Noakhali. I reside there.

Q.: Did you make this statement (Exhibit 31 here read out) before the Committing Magistrate?—*A.*: Yes.

Q.: And did you also file in the Lower Court the written statement (Exhibit 29) which has been read over?—*A.*: Yes.

Q.: Do you wish to say anything else?—*A.*: No.

Q.: Will you call witnesses?—*A.*: Yes.

The above examination was taken in my presence and hearing, and it contains a full and true account of the statement made by the accused.

A. PENNELL,
Sessions Judge.

The 19th January, 1901.

EXAMINATION OF ACCUSED PERSON.

(Section 364 of the Code of Criminal Procedure.)

IV.—YAKUB ALI.

The examination of Yakub Ali accused No. 4, aged about 27 years, taken before me, A. Pennell, Sessions Judge of Noakhali, on the 19th day of January, 1901.

My name is Yakub Ali. My father's name is Choudhir Mir.

I am by caste Musalman and by occupation talukdar. My home is at Mouzah Choukria, Thana Sudharam, District Noakhali. I reside there.

Q.: Did you make this statement (Exhibit 32 here read over) before the Committing Magistrate?—*A.*: Yes.

Q.: And did you also file the written statement Exhibit 29 which has been twice read over?—*A.*: Yes.

Q.: Do you wish to say anything?—*A.*: No.

Q.: Will you call witnesses?—*A.*: Yes.

The above examination was taken in my presence and hearing, and contains a full and true account of the statement made by the accused.

A. Pennell,
Sessions Judge.

The 19th January, 1901.

TRANSLATION of the EXAMINATION of the accused ANWAR ALI before the Sessions Judge.

The examination of the accused person, aged about 25 years, taken before me, A. P. Pennell, Sessions Judge, Noakhali, this 19th day of January, 1901.

My name is Anwar Ali (No. 3). My father's name is Hyder Ali. I am by caste Mussulman, and by occupation cultivator. My home is at Mouza Chur Urya, thanah Sudharam, district Noakhali.

Q.: (The statement Exhibit XXXI. made by the accused before the Lower Court was read over and the accused was asked). Have you made this statement?—*A.*: Yes. I made this statement.

Q.: (The written statement Exhibit XXIX. filed in the Lower Court was read and the accused was asked) Did you make this statement before the Deputy Babu?—*A.*: Yes. I have.

Q.: Do you want to say anything more?—*A.*: No. I won't say anything more.

Q.: Will you cite witnesses in your defence?—*A.*: Yes. I will.

ANWAR ALI (by mark)—Accused.

The above examination was taken in my presence and hearing, and it contains accurately the whole of the statement made by the accused.

A. Pennell,
Sessions Judge.

The 19th January, 1901.

TRANSLATION of the EXAMINATION of the accused ASLAM before the Sessions Judge.

The examination of the accused person, aged about 30 or 32 years, taken before the Sessions Judge of Noakhali, this 19th day of January, 1901.

My name is Aslam (No. 2). My father's name is Laksmi Goladar. I am by caste Mussulman, and by occupation cultivator. My home is Salia, Thana Sudharam, District Noakhali.

Q.: (The statement, Exhibit XXX., made before the Lower Court was read and the accused was asked) Did you make this statement?—*A.*: Yes. I have made the statement.

Q.: (The written statement, Exhibit XXIX., filed in the Lower Court was read and the accused was asked) Did you file this statement?—*A.*: Yes. I filed this written statement.

Q.: Do you want to add anything?—*A.*: I am extremely poor. I have no house to live in. I earn my livelihood by working as a labourer. Sadak Ali, Nanda Bashi and Nanda Thakur have, out of malice, falsely implicated me in this case. They have brought this false charge in collusion with Jashoda Baboo. On the night of occurrence, after returning from work I remained at home, suffering from headache. I did not take anything that night. A false rent case was brought against me. I have paid the said rent with great difficulty. I have been accused in this case and the rent case was brought against me, simply because I did not give my evidence for the defence in a case of cattle-lifting.

Q.: Why did Nanda Bashi, Nanda Thakur and Sadak Ali accuse you in the case?—*A.*: They accused me because I failed to pay them money.

Q.: Will you call witnesses in your defence?—*A.*: Yes. I will cite witnesses in my defence.

ASLAM.—Accused.

A. PENNELL,
Sessions Judge.

The 19th January, 1901.

The above examination was taken in my presence and hearing and it contains a full and true account of the statement made by the accused.

A. PENNELL,
Sessions Judge.

The 19th January, 1901.

TRANSLATION of the EXAMINATION of the accused SADAK ALI before the Sessions Judge.

The examination of the accused, aged about 45 years, taken before me, A. P. Pennell, Sessions Judge at Noakhali, this 19th day of January, 1901.

My name is Sadak Ali (No. 1). My father's name is Asrap. I am a Mussulman by caste, and a husbandman by profession. My home is at Mouza Salia, Thana Sudharam, district Noakhali.

Q.: (The statement made before the Lower Court being read over, the accused was asked) Did you make this statement? It is marked as (Exhibit XXVII.).—*A.*: Yes. I made this statement.

Q.: (The written statement (Exhibit XXIX.) filed in the Lower Court was read and the accused was asked) Did you file this written statement?—*A.*: Yes. I have filed this written statement.

Q.: Do you want to add anything?—*A.*: No. I do not want to say anything more.

Q.: Will you call witnesses in your defence?—*A.*: Yes. I will.

SADAK ALI.—Accused.

A. PENNELL,
Sessions Judge.

The 19th January, 1901.

The above examination was taken in my presence and hearing, and it contains a full and true account of the statement made by the accused.

A. PENNELL,
Sessions Judge.

The 19th January, 1901.

TRANSLATION of the EXAMINATION of the accused YAKUB ALI before the Sessions Judge.

The examination of the accused, aged about 25 or 30 years, taken before me, A. P. Pennell, Sessions Judge of Noakhali, on the 19th day of January, 1901.

My name is Yakub Ali (No. 4). My father's name is Chaudhuri Miyah. I am a Mussulman by caste and talukdar by profession. My home is at Chur Urya, thanah Sudharam, District Noakhali.

Q.: (The statement, Exhibit XXXII., made before the Lower Court was read over, and the accused was then asked) Did you make this statement?—*A.*: Yes. I made this statement.

Q.: (The written statement, Exhibit XXIX., filed in the Lower Court was read over, and the accused was then asked) Did you file this statement before the Deputy Babu?—*A.*: Yes. I filed this statement.

Q.: Do you want to say anything more?—*A.*: No. I have nothing more to say.

Q.: Will you call witnesses in your defence?—*A.*: Yes. I will cite witnesses in my defence.

A. PENNELL,
Sessions Judge.

The 19th January, 1901.

Yakub Ali.—No. 1 accused.

The above examination was made, etc.

A. Pennell,
Sessions Judge.

The 19th January, 1901.

OPINION OF ASSESSORS.

Babu Ishan Chundra Sen.—In our opinion Sadak Ali, Anwar Ali and Aslam are guilty, and as to Yakub Ali we doubt if he had any share in the murder.

Babu Chundra Mohun Ray.—My opinion is the same. I think the three Sadak Ali and the two others are guilty, but not Yakub Ali.

A. Pennell,
Sessions Judge.

The 25th January, 1901.

IN THE COURT OF THE SESSIONS JUDGE OF NOAKHALI.

EMPRESS *versus*.

1. SADAK ALI.
2. ASLAM.
3. ANWAR ALI.
4. YAKUB ALI.

SESSIONS TRIAL NO. I. OF 1901.

Judgment.

The four accused have been committed for trial on a charge of committing murder by causing the death of one Ismail Jagirdar.

The assessors, of whom one is the Head Master of the Government Zilla School, and the other a zemindar from the interior, are of opinion that Sadak Ali, Aslam, and Anwar Ali are guilty, and that Yakub Ali should be given the benefit of the doubt. I may state that after the arguments were over the assessors asked leave to retire and consult, and on their return after a few minutes Babu Ishan Chundra Sen (the Head Master) gave what is stated to be their joint opinion. Babu Chundra Mohun Rai when asked by me said that his opinion was the same, but as the Head Master has spoken in English, and this latter Assessor is unacquainted or but slightly acquainted with that language, I asked him to state his opinion in Bengali which he (Babu Chundra Mohun Rai) accordingly did. The opinions of both Assessors were then translated into Bengali and read out by the Court Interpreter.

The case is one of unusual importance. The actual hearing has occupied sixteen working days, in addition to a view of the place of occurrence which took four hours and the writing of the judgment has taken as much. The direct issue—the conviction or acquittal of four men on a capital charge—is of itself grave enough; but it might almost be called insignificant in comparison with certain other issues indirectly involved, which concern the lives and liberties of every one of the inhabitants of this District, perhaps of these provinces generally.

The deceased, Ismail Jagirdar, a man of 60 years of age, was a peon of the Bhulua estate (a large zemindari in this District, now managed by the Administrator-General), under which he held a *jagir* (whence no doubt his title of Jagirdar). He lived in a hamlet of 14 or 15 houses included in the village (which in this District means a collection of hamlets scattered, it may be, over several miles) of Chur Uria, some 3 or 3½ miles from this town. The other houses in this hamlet belonged to him; but though the occupants were his tenants, it is in evidence that he was on bad terms with all of them, and that with some at least of them he had had litigation of a protracted kind. It is possible that like many other small landlords, he was of a grasping disposition: it is at all events certain that he and his ryots were always having cases against each other, and that the litigation was not confined to the Civil Courts.

At 8 or 9 a.m., on the 9th Bhadro last, corresponding to the 25th August, 1900, Ismail Jagirdar started from his house at Chur Uria to attend Court at Sudharam (the headquarters of this District), where he had to give evidence in a rental case which his wife had brought against two of the ryots, Abdul Kurim and Kurim Buksh, and in which he was a witness. Kali Kumar Das, the Pleader whom Ismail employed to conduct his cases, deposes that Ismail came to his lodging at 9 or 10 a.m., and that he gave his evidence the same day in Court, where his deposition was finished at 5 or

5.30 p.m. Just after sunset (which at that time of year would be about 6.30 p.m.) he was seen by the witnesses Abdul Mir and Ahamudullah. He was going towards his house from the direction of the town. Ahamudullah, who was accompanied by a constable named Abdul Aziz (who has not been examined) was also returning home from the town. The place where they overtook or came across Ismail was the *daraja* of one Asad Mullah.

The word daraja, which corresponds to the Hindustani *darwaja*, has acquired in this district a peculiar local meaning. In the rains practically the whole of this district, except such portions as have been artificially raised, is under water. The only dry land is the *baris*, the Government and village roads, and the raised paths often of considerable length which connect the *baris* with these latter. It is these paths, which are called *darajas*, the word might perhaps be rendered "pathway". leading from the road to the "*cutchary ghor*" or office room, or in those *baris* which have no outer apartments to the entrance of the *uthan* or yard. These pathways, of which each *bari* has one, are as a rule artificially raised; but this is not necessarily the case; the *daraja* of Ismail Jagirdar's *bari*, to give a concrete instance, has for some distance been cut between high banks, so that it is actually below the level of the ground on each side of it.

I have seen the *daraja* of Asad Mullah's bari; it is a raised pathway leading through paddy fields. The place where the witnesses met Ismail is the point where this *daraja* joins the public road. At the time it was raining hard; and Abdul Mir, who lives in the *bari* to which the *daraja* leads, asked the three wayfarers to come in and stop there. They, however, declined his offer and proceeded on their way till they came to a large tank known as the Kalabhanga *dighi*, distant a mile or a mile and a half from Ismail Jagirdar's house. There their roads parted. Ahamadullah and the constable went along the north bank of the tank towards the west, while Ismail Jagirdar took the road by the east bank of the tank which leads southwards towards his home. He was never after seen alive by any of the witnesses for the prosecution.

Ismail Jagirdar had a wife and a son Idris Mir. The latter, a singularly intelligent lad of 17 or 18, is the first witness for the prosecution. This lad is the only adult male relative the deceased had for some miles round and this fact may serve to explain the conduct hereafter to be described, of the investigating Police officer and his superiors. They could hardly have foreseen that this boy would display as he has displayed an intelligence and resourcefulness rare among those of much maturer years and of far higher worldly position.

Idris has deposed that he made no search or enquiry for his father on the latter's failing to return home as he supposed that his father had stayed the night with someone. Early next morning, however, on going to the large tank in front of their house (which tank belongs to the deceased) to wash his hands and face, he saw his father's dead body floating face downwards close to the *ghat*. The boy burst into tears and Naimuddin Miji, Abdul Aziz, Islam and many other neighbours came to the place, shortly followed by Osman Ali Chowkidar, the village ward-man. Of these men Naimuddin Miji, who lives next door to deceased on the south-west and Osman Ali Chowkidar are both accused in the case, but are not now before the Court. . Idris wanted to take his father's body out of the tank—he says he was going down into the water to look at it when Osman Ali Chowkidar told him not to take it up till the Daroga came—but to go to the thana and lodge information. Taking into account the youth of the lad, the official position of his adviser, and the apparent good faith of the advice —for although Idris says that he suspected even then that his father had been murdered, there was no reason why he should have suspected Osman Ali Chowkidar in particular and as no mark of violence was visible in the then position of the body his suspicion of foul play might well seem even to himself unwarranted—it is small wonder that he yielded to the advice.

Idris accordingly left the corpse as he had found it and started for the thana. Naimuddin Miji, Emdadullah, Yakub Ali and Osman Ali Chowkidar accompanied him. Of these men the first three are accused in this case although only Yakub Ali is now before the Court. Apart from the evidence directly incriminating them which will be discussed hereafter it is certainly somewhat surprising that they should take such interest in informing the Police of Ismail Jagirdar's death for they were each and all of them on bad terms with the deceased and against Yakub Ali in special he had had much litigation both civil and criminal. No explanation of this remarkable conduct of the deceased's enemies consistent with their innocence has been attempted and unexplained it is certainly a very suspicious circumstance, except, perhaps, so far as Osman Ali Chowkidar is concerned.

On the way to the town, says Idris, three of these men, namely, Osman Ali Chowkidar, Emdadullah and Yakub Ali told him to say at the thana that his father was dead, but that he made no charge against anyone. When they got to the town, they asked him if he was going to lodge information as they suggested and on his returning an undecided answer Yakub Ali and Osman Ali Chowkidar advised him if he had any doubt to consult a mukhtear. The lad's father had a regular pleader. The witness Kali Kumar Das and the lad has deposed in cross-examination that he himself was personally acquainted with Jashoda Babu one of the leading mukhtears here (who subsequently acted as his mukhtear in this case) with another mukhtear known as "Guhaja" and possibly with others whom he did not know "well" as he did these two. Instead of going to any of these he went to the lodging of a mukhtar named Ashraf Ali whom he had never seen before. His explanation which under the circumstances I find no difficulty in crediting is that the four men took him there. Idris and his companions got to the muktear's at 7 or 8 a.m. On the way to the mukhtear's lodging (which is out of the direct route to the thana) Idris says that they met the accused Sadak Ali. No explanation has been offered of what Sadak Ali (of whose movements more hereafter) was doing in that quarter at the time. It is a plausible hypothesis although only a hypothesis that he had gone on ahead to prepare the mukhtar for Idris's visit.

Ashraf Ali says Idris advised him to lodge information as he had seen. The advice is on the face of it and must have appeared to Idris straightforward enough only as has been stated above, the interference of Osman Ali Chowkidar had secured that up to that time he should not see anything which might indicate the real manner of his father's death.

From the mukhtar's Idris still accompanied by the four men went to the thana and lodged the information marked as Exhibit I. which was recorded by the officer in charge of the Police Station a Sub-Inspector (Daroga) named Osman Ali. In this first information Idris stated his father's departure from home, the clothes he was then wearing, his failure to return, and the discovery of his body in the tank that morning and without saying whether or not he suspected anyone or anything, stated that he could not say how his father got into the water or how he died.

After lodging this information Idris returned home accompanied by his cousin Aliullah who lives on the race course here and had come to the thana in consequence probably of hearing something. After he came out of the thana Idris's self-constituted friends left him. None of them was to be found for some days after and although only Yakub Ali among them has been sent up for trial, it is to be noted that there is direct evidence incriminating Naimuddin Miji and Emdad Ullah also and indirect evidence that Osman Ali Chowkidar was absent from his home where he would naturally be at that time about the cultivator's dinner hour when the murder was being committed.

Shortly after he arrived home Idris met a constable and then two constables. He is not sure nor does it much matter whether he or they got to his house first. After the constables had both come the body of deceased was taken out of the tank in Idris' presence. Idris then saw, he says, that the skin on the throat had disappeared, the forehead was swollen and discoloured, the skin just behind the ears abraded and reddish, one eye gouged out and there was a red mark like blood on the penis. Idris says that there were other marks of violence also, but that he did not notice them particularly, as he felt faint and began crying.

A Head Constable named Kisto Chundra Bhadra, attached to the Sudharam thana, has been examined as a witness for the defence. He has perjured himself so grossly on other points that it is hardly safe to place much reliance on what he says. Still he may perhaps be believed when he states that he despatched the dead body to the hospital at Noakhali. Ramdhon Barua, Police Constable, deposes that he was sent in charge of the body by this Head Constable, that he took it to the hospital and made it over to the Doctor there in the same state in which he received it. Idris says that he also accompanied the body. The way to the hospital passes by the thana and Idris says that he went there with the body, in route to the hospital and saw the Daroga Osman Ali. Idris says that he and the Constable got to the hospital at 2 or 3 p.m. and that a *ghari* or two (24 or 48 minutes) after the Doctor examined the body, which he identified as his father's.

The deposition of Babu Nobin Chundra Dutt, the Civil Medical Officer of this District, recorded by the Committing Magistrate, has been admitted in evidence under Section 509 of the Criminal Procedure Code. The Doctor says that he examined the body at 4.30 p.m. on the 26th August. It was identified to him as that of Ismail Jagirdar by Police Constable Ramdhon Barua and Idris Mir, the deceased man's son. The body was fresh. There were several small abrasions of the skin on the left side and front of the chest on the right side of the neck and top of the right shoulder and also on the right side of the chest. There were other abrasions on the back of the forearm, on the back of the right knee, on the left knee and on the penis. The top and right side of the head, the right half of the forehead, and the right cheek were generally bruised, and there was a large bruise on the back to the left of the spine. The left upper eye lid was denuded of skin. On dissecting the scalp and the skin of the face the Doctor says he found quantities of effused blood underneath, on the top of the head, on the forehead, on both temples and on the right cheek, and also near the skin in front and on the sides of the neck. The lower jawbone was fractured. The brain and membranes, the lungs, the liver and the kidneys were congested.

The Doctor says that he is of opinion that death was due to violence. The probability is, he thinks, that deceased was struck on the head by some hard blunt weapon or thrown down upon a hard surface and that his neck was also pressed. These are the violences to which death might have been due. The bruises might have been caused by some hard blunt weapon or even by a man's clenched fist, and the abrasions by friction against some rough hard surface.

In addition to this evidence it may be mentioned that when Ismail Jagirdar left for Sudharam on the morning of the 9th Bhadro he had on a black bordered *dhoti*, a white coat, and a sheet, was wearing a hat, carried an umbrella, and had some papers in his pocket. This we get from the evidence of Idris. Abdul Mir, who, as already stated, saw deceased shortly after sunset, says that he then had a coat, sheet and shirt (*dhoti*) that he was carrying an umbrella, and that he had a piece of new cloth (presumably bought in the town) under his arm. Ahmadullah, who was the last of the witnesses to see Ismail alive, did not notice his coat, but says he had a shirt on, was carrying an umbrella and had a bundle under his arm.

When Ismail's dead body was found floating in the tank, he had on only a *dhoti* (shirt), the same black-bordered *dhoti* says Idris, which he was wearing when he left home. The tank has been searched, but none of the other articles, which deceased had with him when he parted from Ahmadullah at the Kalabhanga *dighi* have ever been recovered.

The disappearance of these articles and the medical evidence prove conclusively enough that Ismail's death was due to foul play. Nor is there any reason for thinking or suspecting that the offence committed by the person or persons who caused his death was anything less than murder. It seems reasonably certain even from this evidence that the act or acts by which death was caused were done with the intention of causing death: in fact that Ismail was deliberately murdered. And there is much other evidence which supports this view. It has not indeed been contended on behalf of the accused that the offence committed was anything short of murder. All that their pleader has attempted to show is that they have not been conclusively proved to be the murderers.

Idris says that it was dark 6 or 7 p.m. when he got out of the hospital. The bullock cart in which the body had been brought was waiting outside. Idris sent the body home in this cart in charge of Keramat Ali, a connection of his, who had come with him to the hospital and went himself to the thana, which I may say is a few hundred yards from the hospital. He says he had to wait there two or three hours, as the Daroga had not come and that he heard the Collectorate clock strike either 10 or 11. Finally he lodged a second information Exhibit 2. He at first stated that he does not remember who recorded it, but afterwards said it was a Daroga. This is not conclusive that it was Sub-Inspector Osman Ali by whom (Exhibit 2) purports to have been recorded, for there are more than one Sub-Inspectors (Darogas) at the Sudharam Thana, Osman Ali being the Sub-Inspector in charge. Exhibit 2 bears Idris's signature and he admits that it is correctly recorded. Who recorded it, therefore, may not be otherwise important; but it should be noted that the time at which it purports to have been recorded (which is different from that stated by the witness) is not in evidence, inasmuch as Sub-Inspector Osman Ali, by whom it purports to have been recorded has not been examined.

In this second information Idris stated the facts above described. He mentioned the visit to Ashraf Ali Mukhtear's and said that on his way there he met Sadak Ali who was coming from the direction of the Mukhtear's house. He did not mention all four of the men who accompanied him to the thana; but he said that Emdadullah and Abdul Halim told him to lodge a *nadabi izahar* (*i.e.*, to say that he suspected no one).

Abdul Halim is not one of the four men whom Idris names now. He was sent by the police with the four men now on their trial, but was discharged by the Committing Magistrate for want of evidence. It is noteworthy that then, when Abdul Halim was on his trial, Idris told the same story as now, leaving out Abdul Halim and naming three other men of whom one only, Yakub Ali, was then before the Court. It should also be remarked that in Exhibit 2 Idris is not recorded to have mentioned that he was accompanied by Osman Ali Chowkidar whom he had named in Exhibit 1 and who was certainly with him when he first came to the thana, so it is not perhaps strange that Naimuddin and Yakub Ali were also left out. It should always be borne in mind that even though Idris may have acknowledged in general terms the correctness of the second information (Exhibit 2), the person, who purports to have recorded it has not been examined, and probably if he had been examined, would not have been believed. It is perhaps, however, sufficient to point out that under the law (Section 145 of the Indian Evidence Act) if it is intended to contradict a witness by previous statements of his reduced to writing, it is necessary that his attention should be called to those parts of it which are to be used for the purpose of contradicting him—that Idris was not even cross-examined with reference to this second information, and that the pleader who conducted the defence is the leader of the local Bar.

Before mentioning the facts in connection with the visit to the Mukhtear's Idris stated that he suspected his father had been murdered and that his father had enmity with Sadak Ali, Aslam, Emdadullah, Anoar Ali, Abdul Halim, Osman Ali Chowkidar, Fazar Ali, Abdul Hakim and Abdul Karim: that he suspected that these or some other enemies of his father's had put his father to death.

When Exhibit 2 was read over to him the witness volunteered that the Daroga told him to name a few (literally two or four) of the persons with whom his father had enmity. In cross-examination he stated also that he lodged this second information at the instance of the Daroga Osman Ali who told him to do so when the body was taken to the thana en route to the hospital, although it is indeed tolerably certain as the witness added, that he would have given *ijahar* even if the Daroga had not told him to do so.

It has been urged by the defence that these circumstances indicate good faith on the part of Osman Ali the Daroga and the negative theory advanced by the prosecution that he has been trying to hush up the case to screen his relatives, the accused in the dock. But it is not the case even of the prosecution that Osman Ali knew at this time that his relatives were implicated. They are not near relatives, they are very much his inferior in social position, it was not a connection to be proud of and there is nothing to show that Osman Ali had tried to keep it up. It was not to be expected that these poor relations would go and tell the great man of the family the all-powerful Sub-Inspector that they had committed a murder and wanted him to help them out of it. It was natural enough that Osman Ali should tell Idris to report that his father had been murdered: in any view of the case, it would have been impossible for him after the medical examination to prevent that fact leaking out, and moreover he had no motive to do so. It is, however, suggested that he would at least have suppressed the names of his relatives when recording Exhibit 2, and it is pointed out that Idris admits that he knew from the first all along; that the four accused now on their trial of whom three are mentioned in Exhibit 2 were Osman Ali's relatives.

Two explanations suggest themselves. One is that Osman Ali did know at the time that the men whose names he took down were his relatives, but that he did not think of burking the case till next morning when he met Amjad Mir through whom he is related to the accused.

The second and perhaps the more plausible explanation is that Osman Ali Daroga who had probably just been dining and may not have been at his best—I am drowsy enough myself at 10 or 12 p.m.—really did not know or at all events notice that the men implicated were his relatives. And in this connection it may be noted that all three of them have very common names, and that the father's name of Sadak Ali the one Osman Ali was most likely to know, was not given. The men are all distant connections of Osman Ali and it is very doubtful whether the fact even of their existence was present to his mind when he took down that information.

More men know Osman Ali Daroga than Osman Ali Daroga knows. I believe I could substantiate my claim to be at least as near a *bhai* of Lord Halsbury as any of these accused is of Osman Ali, but I think it at least doubtful whether some months back when a certain noble lord got up in the House of Lords, proposed Mr. Bourdillon's compulsory retirement and made sundry complimentary references to myself it ever crossed the mind of the President of that august assemblage that the Judge who had made so big a splash in the far away Indian puddle was a relative of his.

After lodging this second information Idris returned home. Next morning (Monday, the 27th August) at 7 or 8 a.m., the Daroga Osman Ali came to his house. Osman Ali remained in the village for 12 or 14 days. For the first five or seven days he put up at Idris' house, he afterwards removed to the house (which is next to Idris') of Naimuddin Miji who as already stated is one of the persons said to be implicated in the murder.

On the morning of Tuesday, 28th August, the District Superintendent of Police, a European named W. Y. Reily, 38 years of age, whom the Civil List shows to be drawing Rs. 600 per month (I give his initials to distinguish him from another District Superintendent of Police of the same name) came out to the place to test the enquiry he says. For reasons which will be fully set forth hereafter, I am compelled to say at the outset that very little reliance can be placed upon Mr. Reily's statements. He says that he got to Idris' house "about" 8 a.m. and that he left it for Noakhali "about" 10.30 a.m. He has, however, to admit that in the interval all he did was to "examine" complainant and his mother, and to "speak to" the village Chowkidar, and as all this would not take him anything like two hours and a half, it is to be presumed that his stay at Idris' house was considerably shorter. As will be seen hereafter the time at which Mr. Reily left Ismail Jagirdar's house is of very considerable importance.

On the 27th August, says Mr. Reily, he passed on Exhibit 25 A, the Court Sub-Inspector's copy of the (Second) First Information Report, the order "Inspector A. Please supervise enquiry." The Inspector of the A Division, Bharat Chandra Mojumdar has been examined as a witness for the defence. He says he is 55 years of age, and the Civil List shows that he is a senior second grade Inspector in receipt of Rs. 200 per mensem.

Bharat Chandra Mozumdar's proceedings are noticed hereafter.

Osman Ali the investigating Police Officer did not arrest or *chalan* anyone, although the accused who, according to Idris were originally absconding began to make their way back after the first six or seven days. On the 6th September Idris filed before Mr. J. A. Ezechiel, C. S., who for seven months last year officiated for Mr. Cargill as District Magistrate, the petition marked as Exhibit 3.

That petition runs as follows:—

> In the Court of the District Magistrate, Noakhali.
>
> The humble petition of Idris Mir, son of late Ismail Jagirdar, of Chur Uria, Station Sudharam,
>
> MOST RESPECTFULLY SHEWETH:—
>
> 1. That on the 9th Bhadra (25th August) the father of the petitioner came to town to conduct a case in the Civil Court, and that he did not return home that night.

2. That early in the following morning (26th August) the dead body of the father was seen floating in a tank in the petitioner's *ghata*. That thereupon the petitioner came to town and informed the Police about it.

3. That on medical examination it was found that the death of the petitioner's father was due to severe beating.

4. That the petitioner and his mother suspected their enemies and named them before the Police; and that during the Police investigation it has been disclosed by some persons that the said suspected enemies actually caused the death of the father.

5. That in spite of the evidence before the Police, the Police is silent up to date. That the Sub-Inspector Osman Ali being a local man, most of the accused persons are directly or indirectly related to the said investigating Sub-Inspector and his son's father-in-law Amjad Mia. And that during the investigation the said Amjad Mia was all along with the Sub-Inspector.

That the Inspector of Police sometimes went to the village at the time of the investigation, but the purpose and effect of his going there was best known to him.

That considering all these facts the petitioner is inclined to believe that no proper care was or will be taken by the Police to bring the culprits to justice.

6. That there are direct and circumstantial evidence to bring home the charge against the accused.

7. That the place of occurrence is near this town, and that the humble prayer of the petitioner is that Your Worship will be pleased to take up the case from the hand of the Police and take down the evidence by Your Worship's self or order due enquiry by a competent Court.

Noakhali,
The 5th September, 1900.

This petition was drafted by Joshoda Babu, the Mukhtear already referred to. This Joshoda Babu was cited as a witness by the defence but has not been examined.

Idris has admitted in cross-examination that he knew, when he filed this petition, the names of the eye witnesses to his father's murder, and the defence have laid much stress upon the fact that he did not give those names but only alluded to the witnesses in general terms as "some persons."

Now, if Idris or rather Joshoda Babu could have felt any confidence that Mr. Ezechiel would take up the case himself as Idris prayed, still more if they could have felt any confidence that he would do so at once, there might be a good deal of force in this contention.

But a Mukhtear and for that matter a Judge has to deal with men not as they should be, but as they are. As a European Advocate once told me "We have to study all your ways and know how to humour your fancies. Our living depends upon it." Add to this that Mr. Ezechiel had been several months in the District. If Joshoda Babu could not by that time form a pretty good idea of what Mr. Ezechiel was likely to do on Exhibit 3, he would hardly have maintained his place as a leading Mukhtear long.

In these remarks I am far from wishing to reflect adversely upon Mr. Ezechiel. It is no doubt much to be regretted—I think Mr. Ezechiel would admit that himself—that he did not at once "take up the case from the hand of the Police and take down the evidence himself." But very few District Magistrates, even senior officers, would have done such a thing. And Mr. Ezechiel is a comparatively junior officer who has had to revert to Joint Magistrate. By his subsequent conduct he fully redeemed his initial errors and the case as a whole does him great credit. He is the only Government official who has come out of it with clean hands. As reported cases abundantly prove, the course usually adopted by a District Magistrate, when he receives a complaint against the Police, is to refer that complaint for investigation to the immediate departmental superior of the office complained of, sometimes to the officer complained of himself. And this procedure is not by any means confined to District Magistrates or to complaints against police officers—there seems to be something in it congenial to the official mind. In a club in Calcutta to which I belong and to which members of the services do most resort, a complaint which I made on behalf of a respectable native visitor has just been similarly treated.

The order which Mr. Ezechiel passed on Exhibit 3 was:—

> "To District Superintendent of Police for report. His attention is drawn to paragraph 5.
>
> J. A. E.
>
> The 6th September, 1900."

Mr. Ezechiel afterwards wrote "Early" above report. Perhaps it was well that he did so. For as will be seen hereafter the Police in general and Mr. Reily in particular were not slow to take any opportunity of delaying the disposal of the case.

Mr. Reily received the petition with this order on the 6th September and returned it to the District Magistrate the same day with marginal notes, which need not here be cited *in extenso*. He stigmatised the statements in the petition as "all nonsense" and backed up this sweeping denunciation by a number of assertions on matters of fact, nearly all of which were false in fact and some of which can hardly have been made without intent to deceive. He concluded by suggesting that "the complainant may be directed to produce his witnesses before me whom he thinks will prove the case." (The complainant it will be remembered had asked the Magistrate to take the case out of the hands of the Police.) On the 7th September Mr. Ezechiel passed on the petition the following marginal order:—

"The petitioner may produce his witnesses before the District Superintendent of Police.

J. A. E.

The 7th September, 1900."

Mr. Reily at first said he did not remember even having got Exhibit 3 back again. When confronted with this order, however, he admitted that he had seen it with that order on it in his office. But he cannot be positive that he got it on the 7th September. It might be a day or two after. There is one thing, however, which Mr. Reily admits that he got on the 7th September itself, though his memory does not enable him to say whether he got it before or after he got back Exhibit 3.

It is the slip marked as exhibit Y 40 and strangely enough has been filed quite out of its place in the papers which Mr. Reily handed to me.

It is an order from the District Magistrate written in blue pencil evidently an office note and is superscribed in the District Magistrate's hand in red pencil "*Urgent*." It runs as follows:—

D. S. P.—

Please send me the papers of the Chur Uria Murder Case.

J. A. E.

The 7th September, 1900.

Below it is an order in red ink by Mr. Reily—

"Office Send.

W. R.

The 7th September, 1900."

Now although Mr. Reily's memory is singularly deficient on the point, it is perhaps a reasonable inference from the phrase "Chur Uria Murder Case" that the two men had talked the case over and it is probable if that be so, that Mr. Ezechiel was not satisfied with what Mr. Reily told him and sent for the papers of the case in consequence.

It is at all events very remarkable that Mr. Reily should not be able to remember whether he got that slip, and sent those papers before or after Mr. Ezechiel ordered him to examine the witnesses himself. In a district like Noakhali we cannot often get slips from the District Magistrate marked *urgent* and calling for the papers in murder cases the Police investigation of which has been challenged.

If the District Magistrate expressed dissatisfaction with Mr. Reily at this stage as is probable enough, Mr. Reily has a very obvious motive for concealing it, for such expressions of dissatisfaction would make any subsequent derelictions on his part the less excusable.

At all events whether before or after Mr. Ezechiel called for the papers, Mr. Reily received from him the complainant's petition with Mr. Ezechiel's order that he should himself examine the witnesses. Mr. Reily says that on the day he got that petition back, whatever that day may have been, he told the complainant to produce his witnesses. Idris, however, does not remember this; and it is more probable that the Magistrate's order would have been communicated by the Magistrate's Office to complainant's mukhtear and by the latter to complainant.

Idris at all events knew of the order and on the morning of the 9th September two days after it was passed—it does not appear that Mr. Reily did anything in the interval—he presented himself before the District Superintendent of Police.

The defence have harped much upon the fact that Idris never complained against Osman Ali to the Inspector or to the District Superintendent. To my mind the fact of his going to the Magistrate direct shows pretty clearly that he or his mukhtear did not trust either of them, and as the event proved, their distrust was fully justified. It was, however, natural enough—for after all we are here, because on the average and man for man we are better than our native fellow subjects. These things have a way of working themselves out—that he should distrust the white Policeman rather less than the black ones. And it is a significant fact that Idris on the 9th went not to Mr. Reily's office but to Mr. Reily's house.

If, however, he thought he would gain much by going there it was not long before he was undeceived.

Mr. Reily at first said that Idris stated his inability to produce or give a list of his witnesses. This was before he had handed in his special diaries. Directly he looked through these diaries, he said "I wish to correct my statement. It was at the circuit house not in office that complainant stated his inability to produce his witnesses."

Now the witness had never said that the complainant came to him in office. It is perhaps a not unreasonable inference that the witness had meant to say it, till he saw from his diary (Exhibit B) that it would be no use. Mr. Reily can hardly have *forgotten* whether the boy came to him at his house or in office.

It will also be seen that Mr. Reily pretended before he was confronted with his diaries that the boy could not name his witnesses. In the statement which he recorded under Section 161 (Ex.B 2) he has, however, recorded particulars of four witnesses and written that the boy offered to give a list of others. The boy himself states that he gave the names, etc., of some possibly of the four recorded by the District Superintendent of Police, and that the latter then ordered him to give a list of the others. And the truth probably is that Idris would have given the names of a good many other witnesses, but that Mr. Reily was too lazy to take them down.

At all events Mr. Reily admits that the lad who on the 9th had been unable to name his witnesses gave in on the 10th a list which bears his own initials and that date, containing the names and addresses of 31 of them. This list is Exhibit B 4.

The course which Mr. Reily took on receiving this list may have been sanctioned by the usage of the Bengal Police Department but has little else to recommend it. He ordered his office—the Police Office—to issue summonses to the witnesses named *through the Sudder Station* of which Osman Ali was in charge. And these summonses (Exhibit Y 30) were accordingly issued through this very Osman Ali whom the complainant had charged with hushing up the case. The witnesses Abdul Aziz (son of Samaradin) and Rajab Ali depose that the very day they had to attend the District Superintendent of Police. Osman Ali told them not to tell the latter anything and Rajab Ali says that Osman Ali actually told him this as he handed him the notice to appear before the District Superintendent of Police. Abdul Aziz gives the names of three other persons who were present when Osman Ali told him and Rajab Ali not to give evidence. Islam one of the eye-witnesses to the murder has deposed that long before this in fact on the Thursday after the occurrence Osman Ali had threatened him for hanging round Ismail Jagirdar's house saying that he had given his evidence, and that if he did not make himself scarce he (the daroga) would run a bamboo up his anus.

I have already remarked that it was a curious procedure of Mr. Reily's to summon the witnesses through Osman Ali. But this is as nothing to his conduct with regard to his special diaries.

The first of these special diaries is Exhibit B 1, dated the 9th September. Annexed to it is Exhibit B 2, the statement of Idris recorded under Section 161, Criminal Procedure Code. What Mr. Reily did with this special diary and with all subsequent special diaries was to send them to his own office.

So far as he recollects Mr. Reily says he did not submit them to the Magistrate. He is not aware of any rule that they should be submitted to the Magistrate but he thinks they ought to have gone. His object in writing these diaries was to show the work he had done each day. His wish says Mr. Reily was to inform the District Magistrate but he admits that he took no measures to give effect to that wish.

He knew when investigating the case that serious charges had been made against his Subordinate Police, but it never struck him, he says, that the natural result of his sending his special diaries to his office would be to inform not the District Magistrate but Osman Ali of what he was doing in the case and what the witnesses said, he never thought of that at all.

To understand the true " inwardness " of this evidence it is necessary that I should refer to the record of another criminal case that of Empress *versus* Mohesh Chandra Guha and Kummadini Kanta Guha which has already been before the High Court, and which has been going on for 18 months or more. It is a case in which Currency Notes to the value of Rs. 5,800 were stolen and in which the defence is that Osman Ali who investigated the case detected thieves but confined himself to taking the booty from them—that he passed off the notes or some of them through Kailas Chandra Deb, the Head Clerk of the Police Office, who carries on a trading business in the town in partnership with Kummadini Kanta Guha, and that some of the notes having been traced through the Currency Office to that shop, Osman Ali and Kailas have combined to make Kummadini and his father Mohesh the scapegoats.

Mr. Reily admits that he was cross-examined in that case at very great length by Mr. C. R. Das, a barrister of Calcutta, for two to three days he believes. He admits that the tendency of Mr. Das's questions was to show that he was completely in the hands of his Head Clerk Kailas. He admits that he knew the nature of the defence, but it never led him to make any enquiry as to the terms on which Kailas and Osman Ali were, and he cannot say even now whether they are on good terms or bad terms. (He was cross-examined, I may say, more than a year ago. I had the case before me on appeal in February last.)

Mr. Reily believes, however, that his Head Mohurir Rajendra did state in evidence in that case that Osman Ali called Kailas father. He admits that on Kailas' verbal report he promptly suspended Rajendra, that at the time when he suspended him no charges were framed against him, that they were framed subsequently, that Kailas also brought a separate charge against him, but that Rajendra while still under suspension was transferred to Khulna and that nothing more was then heard of his (Mr. Reily's) proceedings or of the Head Clerk's charge. Nothing further, says Mr. Reily, has been done on the proceedings which he drew up against Rajendra since his transfer; he allowed the Head Clerk's charge to drop. Mr. Reily does not know whether Rajendra's transfer had anything to do with his suspension; the Deputy Inspector-General, he says, transferred him. He was under suspension when he was transferred.

Rajendra may no doubt have been transferred in the ordinary course of official changes. But I do not suppose the Deputy Inspector-General, usually or often transfers Head Muhurirs of Police offices without consulting the District Superintendent of Police, especially when they are under suspension. And I cannot help suspecting that Mr. Reily has been more economical of the truth in this matter than befits a Gazetted Officer of Government.

Mr. Reily says that the new Head Mohurir, Upendra Nath Bose, keeps all his diaries. But he cannot say that the Head Clerk did not keep them. And whether or not the Head Clerk was in nominal charge of the diaries, it is pretty obvious that he would always be able to see them; for when he had just turned out the old Head Mohurir, the new one was likely to be pliant enough.

Mr. Reily's memory and knowledge as to his leading subordinates are distressingly defective, but he admits that Kailas has been Head Clerk of the Police Office the whole time he has himself been here—close on three years. He admits also when cross-examined by the defence pleader (who had cited him for the defence)—his memory became astonishingly vivid then—that Osman Ali has been in Government service for more than 25 years, and has all along, he believes, been in this district. Mr. Reily also admits that whenever he has had anything, specially difficult to do—any specially difficult case—he has usually put Osman Ali on it; that he has had every confidence in him. And although Mr. Reily may not know the relations which subsist between his trusted Daroga and his trusted *Kerani*, although for all *he* knows they may be on *bad* terms, I think the rest of us will have little difficulty in concluding that whether or not Osman Ali calls Kailas "father," the two men are as thick as thieves usually are.

The summonses which Osman Ali served directed the witnesses to appear at the Police Office on the 12th September. On that day complainant appeared at the Police Office and filed a *hazira* (attendance list) of 32 witnesses (two seems to have been added in a postcript to the original 30). This *hazira* is Exhibit B 7.

Mr. Reily says that he was engaged from 1.30 p.m. to 4.30 p.m. in examining thirty of these witnesses. He "believes" the Head Clerk was present when he examined them.

It is well known that the common people in this district speak a corrupt *patois*, which it is extremely difficult even for Bengalis from other parts to understand. I have been 15 months in Noakhali, and am only beginnng to understand it myself, and that though I have received monetary rewards, both in England and India, for my knowledge of Bengali, and am as Englishmen go a fair Sanskrit scholar.

The defence pleader tried to make out that Mr. Reily must have understood all or most of what the witnesses told him. But even Mr. Reily has to admit that if he could not understand the whole answer of the witness he perhaps might not be able to detect mistranslation by the Head Clerk. He admits that the Head Clerk translated such of his questions as the witnesses did not understand and such of their answers as he himself did not understand. He also admits that complainant (who is unacquainted with English) had no pleaders or mukhtear with him and that there was no one on his side who knew English and could have said if the Head Clerk translated wrong. At present he cannot recall to his mind that the Head Clerk suggested any questions, but he cannot swear that the Head Clerk did not.

As far as Mr. Reily can remember he thinks the depositions were read over to the witnesses. They were translated to the witnesses by the Head Clerk. He thinks, however, that there is not any note in the depositions that they were read over.

It is, perhaps, hardly necessary to add that in Mr. Reily's diary Exhibits (B 5 and B 6) and the "statements" attached to it (Exhibits B 8 to B 16 inclusive) there is not a word about the part the Head Clerk played in the matter: and as stated above Mr. Reily at first only "believed" he did not know that the Head Clerk was present at all.

On the 13th September Mr. Reily examined the accused. On the 14th and 15th he went to the place of occurrence and prepared, or says that he prepared, a plan of it. He has never visited the place of occurrence after the 15th September, and it is important to note that the way there leads through densely peopled country, so that he could not go there and "get up" the locality afterwards if he did not do so then, without people knowing it.

After finishing the plan Mr. Reily says, he went and saw the District Magistrate, showed him the plan and told him what he had done. That may, Mr. Reily says, have been two days after.

Mr. Reily says that Mr. Ezechiel afterwards told him to submit B Form, but he hopelessly contradicts himself as to this B Form, and I regard his statement that Mr. Ezechiel told him to do this with very grave suspicion. If Mr. Ezechiel believed the case he would order A Form, if not B or C Form. Directly he got any final report from the Police at all, and when he did get it, it was a C Form. Mr. Ezechiel ordered A Form, and the inference I draw is not that Mr. Ezechiel at first disbelieved and then believed the case—there was nothing to make him change his mind—but that he all along believed it, that Mr. Reily and the rest of the Police knew that he believed it, and that they were keeping back the final report as the Police so often do in order to gain time.

Mr. Reily admits that he did not submit any written report to the District Magistrate till the latter ordered him to do so. He offers no explanation of the delay. He does not recollect if he showed Mr. Ezechiel his diaries and is not sure if he told him what the witnesses had said.

On the 21st September eight men presented a petition (Exhibit 4) to the District Magistrate. The names of these men are:—(1) Torap Ali, (2) Atar Ali, (3) Abdul Aziz, (4) Rajab Ali, (5) Hasan Ali, (6) Abdul Majid, (7) Nur Mia, (8) Haidar Ali.

Of these petitioners it is in evidence that 2, Atar Ali, shortly afterwards died. Torap Ali, Abdul Aziz, Rajab Ali, and Hasan Ali have been examined in this Court.

The purport of Exhibit 4 is as follows:—

That the petitioners had deposed before the District Superintendent of Police in favour of the complainant Idris, the son of the murdered man.

That at first Osman Ali, Sub-Inspector of Sudharam Thana, was investigating the case, but that as these accused were relatives and clients of Osman Ali and his connection Amjad Mir, Idris, apprehending that a proper investigation would not be made, had petitioned the Magistrate and that the Magistrate had made over the investigation to the District Superintendent of Police.

That thereupon the said Daroga had urged them not to depose, but that they had not minded him and had told the District Superintendent of Police the truth.

That ever since then the Daroga had been threatening them and everyone else who aided complainant, both before their faces and behind their backs, and that they were in great fear.

That on the previous Saturday (15th September 30th Bhadra) when the District Superintendent of Police had come to the place for a local inquiry the Daroga had accompanied him, and that when the District Superintendent of Police had gone off and they were about to go to their homes, the Daroga had met them at Peshkar's Hat and had abused and threatened them, saying that he would "pour water on their heads," "put them in jail," "turn them out of the country," and the like, and that they had heard from others that the Daroga was really in arms (literally sword in hand) against them.

That they were poor people and residents of the Sadar Thana and that Osman Ali was a wealthy man and a high Police Official and that they were not in a position to fight him.

That the Magistrate was their protector and was the Daroga's master, and that they therefore prayed that orders might be passed to see that they were not molested.

Mr. Ezechiel on the 21st September sent this petition to the District Superintendent of Police for note and return. It does not appear to have been returned till the 25th September when I find another note "seen" signed by Mr. Ezechiel. So far as the evidence shows, Mr. Reily never inquired as to the truth or otherwise of the petition.

Eventually on the 28th September (the case having then been over a month in the hands of the Police) Mr. Reily sent the District Magistrate a C Form (Exhibits Y 1 to Y 3) prepared by Osman Ali, and attached to it his own reasons (Exhibits Y 4 to Y 8) for considering the case to be false.

The date deserves notice. It was the day the Courts closed for the Puja holidays. It is a favourite native trick—it was played on me in the Mymensingh case—to do things at a time when the European Officer, if he is effectually to circumvent the villany of his subordinates, must forego a holiday which he is certain to want and as often as not needs. Now I do not wish to bring my own private knowledge into this case more than I can help, but I know Mr. Ezechiel was at Darjiling for the Pujas, for he shared a bed-room with me, and I know that Mr. Reily knew that he was going there.

And accordingly Mr. Ezechiel when he passed orders, as he did at once (on Exhibit Y 1) to send up A Form, was obliged to direct that it should be sent up for October 15th, thus giving the Police 17 days more to tamper with the witnesses.

Mr. Reily's opinion that the case was false is not relevant: nor do I suppose that anyone will pay much regard to the grounds for that opinion—at all events when considering the guilt or innocence of the accused. There is, however, one statement of Mr. Reily's (in Exhibit Y 8) which I think myself bound to notice, if only in fairness to the murdered man's widow and child.

"It has been proved," says Mr. Reily, "that the deceased's wife was carrying on an intrigue with Sadak Ali. . . . . Even the complainant's mukhtear Jashoda Kumar Rai admitted the above fact."

The paragraph is artistically worded and certainly suggests that Jashoda Kumar Rai admitted the intrigue. As, however, it is also susceptible of another meaning, it is fair to Mr. Reily to say that he may have meant only that Jashoda (whose statement he recorded in Exhibit B 27) admitted that this Sadak Ali (who is a different man altogether from accused Sadak Ali) had been conducting complainant's case.

But it is also fair to the widow and her child to point out that, so far as his diaries show, Mr. Reily had no foundation for his statement beyond the assertions of some of the accused made behind complainant's back (*vide* Exhibits B 18 to B 22), that no sane man, not even a District Superintendent of Police, could think such assertions made by men accused of murder a sufficient foundation for such a charge, and that Mr. Reily himself evidently felt this, for on the 15th September (*vide* his special diary for that date, Exhibit B 24) he instructed the Inspector and Sub-Inspector to inquire how far the allegation was correct.

It does not appear that any evidence was ever elicited to support the charge, either from Jashoda Kumar Rai or from anyone else, and I need hardly add that before the Magistrate and in this Court (till I asked the defence pleader if there were anything to warrant it) it was never even mentioned.

The charge was made against the widow of a man who had just been murdered. It was made because his boy tried to bring his father's murderers to justice. Not only is it wholly false, but I think myself bound to express my deliberate opinion that when he made it Mr. Reily cannot have believed and did not believe it to be true.

On the 15th October the A Form was submitted and was made over to Babu Kali Sankar Sen, the Senior Deputy Magistrate, for disposal. On the 16th October the examination of the witnesses by the Magistrate commenced. And from that date, to use an expressive colloquialism, it has been all over but the shouting.

On the 10th December, 1899, after all his attempts to intimidate me in connection with the Chupra case had failed, Sir John Woodburn endeavoured to cover his retreat by saying that at all events I must admit that my judgment was very long. And when I replied that it was full of facts, he rejoined that any other Judge but myself would have disposed of it in two pages. And in a Resolution of the Government of India No. 1003-1014, dated the 18th April, 1900, which, as a copy of it was sent me by the Government of Bengal under cover of an official letter No. 332-J.D., dated 30th April, 1900, from their Under-Secretary (Exhibit X 21), I suppose I am expected to attend to, exception is again taken to the great length of my judgment.

The judgment in which I ventured to comment upon the conduct of Lord Curzon's officers was after all not half as long as the Resolution whereby he endeavoured to whitewash them. But I admit that a much shorter judgment would have sufficed in the Chupra case if the only thing I had had to consider was the guilt or innocence of Narsingh Singh. And in this case a good deal shorter judgment would have sufficed if the only issue, or if the only important issue, were the guilt or innocence of Sadak Ali and his three co-accused. For in Narsingh Singh's appeal there was no doubt whatever that the man had really done nothing, at all events, nothing legally punishable, and that he had been thrown into jail merely to save the face of the Executive, and in this case no sane man can doubt that some, at all events, of the accused are guilty of the murder laid to their charge. Nor are the facts very complex.

If, therefore, my judgment is long, it is not because the case is not really simple enough, but because the tale of all official wrong-doing is a long one, because those whose duty it was to bring these accused to justice have moved heaven and earth to screen them, just as in the Chupra case, those whose duty it was to protect the appellant moved heaven and earth to crush him.

There is a story told of a boatswain whose painful duty it was to administer corporal punishment to a friend. First the sailor wanted the lashes higher, then lower, then higher again. Finally, the boatswain lost all patience and exclaimed "Hang it all, Jack, I believe you don't like being flogged at all!"

The way in which I have occasionally thought it necessary to comment on executive officials has excited a good deal of adverse criticism, and I doubt not that criticism or some of it has sometimes been deserved. For I am a man very much like other men, and must needs often do wrong. All I can say for myself is that bad as my work may sometimes have seemed, it has been the best which on that particular occasion I could do.

Yet would I ask my official superiors to remember that it is really very difficult for me to do justice without offending them. I suspect, as the boatswain did, that they really do not like being flogged at all, that no way of administering the chastisement is likely to please them. And I say this because I have had it remarked to me that it is not the things I do which are objected to in high quarters so much as the way I do them.

It would be better if the higher officials of Government did not think, as they do think, that it is their policy and their duty (I know that with men in their position *utile* is apt to seem *honestum*) to screen their guilty subordinates and to reserve all their indignation for any one who thinks it his duty to expose those subordinates' guilt. Their maxim would almost appear to be, "It must needs be that offences come, but woe to that man by whom the offence cometh!"

In the Chupra case resolution the Viceroy has remarked that the case cast discredit upon the Government to which the officers concerned belonged, and that it had materially weakened the authority and prestige of Government. His principal regret, however, seems to have been "that the Government of India had been compelled to take notice of the matter."

Now I have never been much alarmed by the bogey of lost prestige, though I know that to some men it is a fearsome monster. I think we are strong enough in India to be, I do not say generous, but just, that justice will increase our strength and not diminish it. And I have been longer in this country than Lord Curzon, and should know more of the mofussil than most of his advisers.

But whether or not the views of the Indian Government on these matters are sound, I do not think I ought to pay any regard to them. A judge has nothing to do with politics or with considerations of political expediency. I have to be just whether or not it pays to be just—whether or not it pays the Government as well as whether or not it pays me. And I may humbly remind my official superiors that they as well as I are servants of the public. So far as official status goes Lord Curzon differs from me only in this that he is not, and that I am, a member of the permanent Civil Service of the State, and I have to consult not the interests of His Excellency but the interests of His Excellency's master the King in Parliament. And I am indebted to a commercial friend of mine for the metaphor that what I am doing may be bad for the Directors, but that it is good for the shareholders.

And to show that the course which I am taking in this case and which I took in the Chupra case is not without warrant of Judicial authority, I will permit myself to quote some portions of the judgment of the Allahabad High Court in the case of Queen Empress *versus* Hor Govind Singh, reported in Indian Law Reports 14, Allahabad 242. The remarks quoted are applicable very literally to the Chupra case, and *mutatis mutandis* apply here also: for it is the duty of a Court to see not only that persons accused before its subordinate Courts get a fair trial, but also that murderers do not escape justice by the connivance of the public servants who are paid for detecting their crimes and bringing them to punishment.

The judgment is that of the Chief Justice, Sir John Edge, two other Judges, Tyrrell and Knox, concurring.

"It is hardly necessary to say," he observes, "that when a person is convicted of an offence under the Indian Penal Code and has a right of appeal to a High Court, and exercises that right of appeal, he is entitled to allege, and in the best way he can to prove, that there was no valid trial according to law; that the Judge who tried him acted illegally and with material irregularity in the course of the trial; that the Judge by his conduct of the trial precluded a fair trial being had. . . . Further, it need hardly be said that when such serious allegations are *bonâ fide* raised by an appellant in a High Court, it is the duty of the High Court to consider them, and however unpleasant it may be for the Sessions Judge or for the Judges hearing the appeal, it is the duty of the Judges who have to decide the appeal to express their opinions as to the correctness or otherwise of those allegations, and as to the effect of them if substantiated on the case. When in an appeal, whether it be in a Civil or in a Criminal case, it appears to the Judges of a High Court that the Judge of a Court subordinate to the High Court has acted illegally or irregularly in the case under appeal, it is their duty not only to the appellant in the particular case, but in the interests of the Government and of the public, to speak plainly and to point out in what manner the provisions of the law have been violated and its requirements disregarded. It is of greater moment to the Government and the public, if possible, than to one accused of a crime, that criminal trials should be conducted regularly, decorously and in accordance with law and statutory procedure, and that no ground for doubting the competency or the impartiality of the Judiciary should be afforded by a departure, on the part of a Sessions Judge or a Magistrate, from the rules of law or the rules of procedure which, as a Judicial officer, he is bound to follow, or by a High Court *passing over in silence and without comment* such departures when they are material. *High Courts are responsible for the due administration of the law by the Courts subordinate to them*, the duty of superintendence having been imposed upon them by their Letters Patent. Indeed, the Government of India in one well-known case claimed the right to rebuke a High Court for the non-performance, as it appeared to the Government of India, of that duty of superintendence. It is necessary in this case to consider not only the evidence on the record, but the circumstances under which that evidence was recorded at the Sessions trial, and the most material of the alleged illegalities and irregularities connected with the trial."

My judgment hitherto has been mainly devoted to clearing away the mass of trickery and falsehood under which the Police have endeavoured to bury the features of the case. And that task is by no means over. But I think it time to turn now to the actual evidence incriminating the four men in the dock.

Witnesses Nos. 5 and 6 for the prosecution are Saroda Mohun Chakravarti, the Sub-overseer of the District Board, and Binod Behary Pal, the District Engineer. The Civil List shows that the latter gentleman has held his present position for close upon 17 years, and that his pay from the District Board is Rs. 400 a month. He says he received a written order from the District Magistrate to prepare a plan in this case, that he had the plan prepared by Saroda Mohun Chakravarti, and that he himself tested such portions as he considered important. Saroda Mohun Chakravarti said he made this plan on the 18th November, 1900 (when as the record shows the case was still before the committing Magistrate), and that the District Engineer tested it in his presence on the 20th November, the measurements shown in the margin of the plan in red ink are the District Engineer's own measurement and are in his own handwriting.

Exhibit 5 is this plan. It was admitted in evidence by the committing Magistrate on the 21st November, 1900.

Exhibit 5, as also the evidence, shows that there is a large tank in front of Ismail Jagirdar's house (this is the tank in which his body was found). The *doroja* or entrance of the house is immediately south of this tank and communicates with a highway which runs north and south by the east bank of the tank and which finally merges in the Ichakhali road. To the back (west) of Ismail (or Islam) Jagirdar's house is another road which also goes on till it joins the Ichakhali road. Immediately south of Ismail's *doroja* and about 15 yards south-east of his tank is the *bari* (homestead) of the accused Sadak Ali and Aslam who are cousins and live together. The accused Anwar Ali (house not shown in Exhibit 5) lives close to them 25 or 30 cubits to the south of the tank. North of the tank is the house of the accused Imdadulla (not now before the Court) and north-west of it is the house shown in Exhibit 5 as Abdul Hakim's. Abdul Hakim is accused in this case but is not now before the Court, with him live Karim Buksh (also accused but not before the Court) and Yakub Ali. This Yakub Ali is the fourth of the present accused, he is Abdul Hakim's brother.

There is a path from Abdul Hakim's house which leads past Ismail Jagirdar's house (and between his house and his tank, in fact through his compound) towards the south. The way out of Abdul Hakim's house debouches on this path. There is a road to the south of Emdadullah's house which connects with the path.

The path (whose further course was not shown in Exhibit 5) leads south-west from Ismail Jagirdar's house (after first going a few feet east) past the *doroja* and *bari* of the accused Naimuddi Miji (not before the Court) and continues past other houses among them that of witness No. 7, Abdul Aziz and that of witness No. 4, Islam.

The most important evidence incriminating the accused, what may be called the direct evidence, is given by witnesses 2, Hosan Ali, 3, Torap Ali, and 4, Islam or (Ismail). Hosan Ali and Torap are witnesses to the same facts; they were not cross-examined on the same day and although the defence pleader said nothing about this when addressing the assessors (and indeed it would have been no use for him to say it to them) a point may be made of it on appeal. I, therefore, think it as well to state that (as the record shows) Hosan Ali's examination-in-chief was completed on the 9th January but the defence pleader asked that the cross-examination might be deferred. As he wished to cross-examine the two men Hosan Ali and Torap Ali on the same day, and as it was 4 o'clock and I had some other work, I allowed this and adjourned the case.

Next day, for reasons stated in the order-sheet (*vide* order No. 4, dated 10th January, 1901), the case was not taken up till 2 p.m. The pleader asked verbally that Torab Ali might be examined-in-chief before he began cross-examining Hosan Ali. Now this was a request which I was not likely to grant, as it was altogether opposed to the usual procedure in Sessions trials, and I have no doubt Babu R. K. Aich never expected me to grant it (similarly when he addressed the assessors, and I stopped him from using Osman Ali's diaries as evidence, he expressed surprise and applied verbally to call Osman Ali!). I told him, therefore, that he must cross-examine at once, but added that I was quite prepared to sit later than usual, and that there would be plenty of time for the cross-examination of Hosan Ali and the examination and cross-examination of Torap Ali, as the examination-in-chief of the latter was not likely to take very long.

As the pleader went on cross-examining, however, it became very evident that he was in no hurry to bring the cross-examination to a close, and after an hour and-a-half of it I hinted to him that my offer to sit late must not be construed too liberally. On this he said that the cross-examination of Hosan Ali would be so long that he would not ask me to sit beyond the usual hour. He went on cross-examining till 4.40 p.m., and when he sat down must have done so with the consciousness that even though Torap Ali might be examined-in-chief it was not at all likely he would be called upon to cross-examine him.

In saying all this I am far from wishing to reflect upon Babu R. K. Aich, of whom, on the contrary, I have a high opinion. The defence of persons accused of murder even if believed to be guilty, has always been accounted legitimate by the legal profession, and I am a member of that profession myself and may before long have to fall back upon it for a living. Having accepted the accused men's brief, it was Babu R. K. Aich's duty to do his best for them. But I think I am fully justified in the remark that he evidently thought that the course he was taking was the best he could do for them, that it was more to their interest to reserve a point for (possible) use before the appellate tribunal, than to cross-examine the two witnesses on the same day. And the natural inference is that the accused men's pleader either thought that these two peasants had been so carefully coached that it was hopeless for him to attempt to break them down or that he believed that the story they were telling was a true one.

These two men live not far from each other on the Ichakhali road, some four miles from Sudharam (Noakhali). They say they had been to Bellew Shahib's *hat*, which is perhaps 1½ miles out of Sudharam on the Lakimpur road. I may explain that in this District permanent shops are very few, and nearly all marketing is done at these small *hats*, which on the market days (usually twice a week) are crowded with people, but at other times are nearly or quite empty. Hosan says he went there with two seers of *chilis* he had for sale and that he bought a *paral* or fish trap which he brought away with him. Torap went there because he had some betel-nuts to sell and heard the price at this particular *hat* was up. He sold his betel-nuts he says and bought two ducks. Hasan says he does not know why Torap went to the *hat* but that Torap had two ducks with him.

A little before sunset it came on to blow and rain heavily. The two men met at a blacksmith's shop in the *hat*, where they and a number of others took shelter from the rain. It stopped raining about two *dundas* (=48 minutes) after sunset and the two then set off on their homeward journey. The road they followed is indicated on Exhibit 5 by the letters A B C D E F G H I J K L M N R S T. At H it will be seen the road they took meets the road south of Imdadullah's house. That road then goes a few yards east and then turns south at I whence it proceeds in a generally southern direction till it merges at K in the District Board highways known as the Ichhakhali road. From the point marked I the road the two men took passes to the east of Ismail Jagirdar's tank. Like most such tanks the banks of this tank are somewhat raised above the general level and are covered with trees and vegetation. The tank itself, says Hosan Ali, is about 56 yards from the road (from the view I had of the plan I should say this was an over estimate—there is however an appreciable space at least 20 yards and probably in most places 25 or 30 yards between the tank and the road). The *doroja* south of the tank is at first a good distance from the tank but gradually approaches it till as it gets near the house it touches it—this is not shown, or at all events not clearly shown in Exhibit 5. It is true that right up to the ghat—the steps shown in the tank—there is always some intervening space, but as it approaches the ghat it gets less and less.

The two men got to this tank at six *ghoris* after sunset according to Torap at four or six *ghoris* according to Hosan. When they had got about opposite to Ismail's *doroja* some 60 or 80 cubits by a rough guess, says Hosan, from the point I the two men heard a cry of *mago* (=mother). This is the universal cry of the Bengali when dying, in terror, or in great pain.

At this time the witnesses say—and this applies to other witnesses as well—it had cleared up and though there was no moon, the stars were shining. The cry, say Hosan and Torap came from a distance of 17 or 18 cubits, eight or nine yards. They hastened forward towards the direction of the sound, and saw three men; the first three accused, holding or carrying Ismail Jagirdar. Sadak Ali had him by the throat, Aslam by the waist and arms and Anwar Ali by the legs. They were carrying him towards the west.

Torap Ali says that he got within three or four cubits of the men, and spoke to them, saying they would get the whole village into trouble if they killed Ismail Jagirdar (literally "It is not good; are you killing Ismail Jagirdar or are you setting fire to Chur Uria?") Hosan does not say this: he merely says they advanced towards the three men who were carrying Ismail. The two witnesses agree in stating that as they approached these latter, a number of other men whom they could not recognise, six or seven, according to Hosan, four, five, or seven according to Torap, came forward from a distance of 15 or 16 cubits seven or eight yards) further west and called out "seize them."

The place, where the three accused were carrying Ismail is on the land of Sadak Ali and Aslam, just south of Ismail's *doroja*. It is under a date tree, which is shown in the plan, Exhibit 5, and is some 20 or 25 yards from the row of trees fringing Ismail Jagirdar's tank. According to the Sub-Overseer's note, it is 320 feet (a little over 100 yards from the Jagirdar's house). It is described, in the quaint Bengali English, as "Place where the two witnesses saw to catch hold the person killed."

When the witnesses heard the cry they were a little to the north of this place. The men, who came from the west were on a level with them. It is probable, though the witnesses do not say so, that these other men were in the *doroja* of Ismail which is a short distance from the road, is a cutting between high banks covered with trees, and would be nearly or quite dark.

On these men coming forward the witnesses made off home along the road. Some very unnecessary cross-examination was directed to the question why they failed to inform the inmates of Ismail's home. The witnesses had about a mile to go before they reached their homes. There are a number of houses on the way. Hosan Ali says there may be 30 or 40. The two men called out to the inmates of some of these houses. It may be explained that none of the houses are exactly on the road, no houses in Noakhali ever are—they are all a little way, some more, some less off it, and are connected with it by *dorojàs*. The witnesses did not go to the houses, but called to the inmates from the road as they passed by. The first person they called out to was Osman Ali Chowkidar, whose house is south-east of the road. They neither saw nor heard Osman Ali himself, but his mother or someone, whose voice sounded like his mother's, replied to them. They called to several other persons, to a man whose name they do not know, but who is generally described as "the limeseller" (chuna walla) to Amjad, son of Ashruf, and to Ahmad Ali, but neither these persons nor anyone in their *baris* replied. On the way, however, they fell in with one Atur Ali: at the *doroja* of Har Chander Dutt, and told him what had happened. This Atur Ali was one of the signatories of Exhibit 5, but died before he could be examined.

The next important witness is No. 4 Ismail (or Islam). It may be noticed that the handwriting of his deposition, which was recorded on the 12th January, is very irregular and uneven. The reason is that when recording it I was suffering from an attack of acute gastritis, a disease to which I am subject. I may say that from Court I went straight to bed that Saturday afternoon and remainded there all the rest of that day and most of Sunday.

The nature and symptoms of the attacks are set forth in Exhibit X 34, a copy of a medical statement given me by Dr. R. S. Ashe, the Civil Surgeon of Mymensingh, when he recommended me for medical leave in September, 1898. One of the originals is in the Bengal Secretariat. It was sent by me to Mr. Bolton on 5th September, 1898, with the letter of which Exhibit X 38 is a copy. Mr. Bolton had on that day expressed great commiseration for me and had asked for the statement that he might show it to Sir John Woodburn.

In any climate like that of Noakhali I am bound to have these attacks (I had another one on the 11th instant when writing this judgment). In the rains I average three or four of them a month; they last two or three days. The result is that for a long time past I have taken them as it were in the day's work, and do all such work as recording depositions, deciding comparatively easy cases, and the like, whether I have them or not. It is like a forest officer with fever in some parts of Upper Burma. If I were only to work, when I was well it would be very little work I should do here for six months of the year. I may add that I have more than once applied for leave on the ground of my ill-health, and have been refused it. I have not formally represented the extreme dampness of Noakhali to Government, thinking it useless to do so, but I have applied for a transfer, which I would not have done willingly. I have formally represented the matter to the High Court, but that body in their extra-judicial capacity have seen no reason to interfere. And I cannot afford to resign. So I can only hope that if I did wrong in recording Islam's deposition on the 12th January, it will be recognised that there were extenuating circumstances.

This witness Islam lives, say, half a mile a little west or south from Ismail Jagirdar's. His house is not shown on Exhibit 5, but it is shown in (the left bottom corner of) Exhibit Aa and although this latter place, for reasons which will afterwards be set forth, must be regarded with great suspicion, it not improbably represents fairly enough the position of Ismail's house.

This Ismail had a case on at Lakhipur which was pending at the time of occurrence. In cross-examination he states that it was a suit for *wasilat* (mesne profits) brought not by himself but by his younger brother; and that the defendants in this suit for *wasilat* had brought another, a title suit, against his brothers and himself. Karim Buksh who, as already stated, lives with Abdul Hakim and accused No. 4, Yakub Ali, was a witness for the opposite party in one or both of these suits, and Islam says he went to Karim's house on the evening of occurrence to get him to help in bringing about a compromise which had already been mooted. (As a matter of fact, the witness says, both cases were eventually compromised.) Islam got to Karim's house (that is what "went there" means) at sunset and presumably after talking over matters with Karim Buksh started to return home about a *prohar* (three hours) after sunset.

Karim's house is that shown in Exhibit 5 as "Accused Abdul Hakim's house"; the witness came out of it by the *daraja* which faces east, and proceeded south, then east, then south again (*vide* plan) till he got to Ismail Jagirdar's *bari*; he was in a public (village) road. He then took the private path which crosses Ismail's compound from north to south and passes between Ismail's house (properly so called) and his tank. This, the witness says, is not only the shortest way from Karim Buksh's house to Islam's, but is the one which they, the neighbours, usually take.

Islam had, he says, turned the south-west corner of the tank, had gone two or four cubits east, and was just turning to go south. (I have been to the place, and can say that is the way he would have to go) when he saw just to his left four men carrying what looked like a dead body by the south bank of the tank. They were bringing the body from east to west towards the *ghaut* of the tank, and even within four or five cubits of the witnesses when he saw them. He says that he recognised them, the accused 1 Sadak Ali, 2 Aslam and 4 Yakub Ali—the fourth man was under the shade of a tree, and he could not clearly recognise him, but he looked, the witness says, like Abdul Halim (the man who was sent up with the present four accused, but was discharged by the committing Magistrate).

Islam asked the men, he says, who they were. On being thus challenged they set down the body under a *badir* tree (pointed out when we arrived at the place—it is on the south bank of the tank, a few yards from the ghaut). Islam was going towards it and asking what it was, when Sadak Ali abused him and told him to be off. The body, says Islam, was laid face downwards and he could not recognise it.

On the men threatening him, Islam ran off home. For a few yards I may say the path he took descends fairly sharply to a lower level. Before going far one comes to the *daraja* of Naimuddin Miji. When he got to this place, says Islam, he saw eight men sitting on the road conversing together. Among them he recognised Naimudin Miji himself, Emdadullah, and Abdul Hakim Kobiraj—the same Abdul Hakim who is brother of accused No. 4 Yakub Ali.

Islam says he spoke to Naimudin and told him what he had seen. Naimudin, however, told him, "Be off, *Sala* (a vulgar term of abuse), mind your own business," and Islam went on. After going a little way, he says, he came to the *daraja* of Abdul Aziz, and as he was frightened, called out to the latter. After being twice called Abdul Aziz came out and asked him what was the matter. Islam told him everything, he says, and Abdul Aziz went some part of the way home with him.

After his examination was over this Islam—who was certainly "all there" in the witness-box—some of his answers in cross-examination recalled a creation of Dickens—complained in excited tone of the mal-treatment to which he had been subjected by the local Police while attending my Court, and he was corroborated by the Government pleader. I thereupon sent a note to the senior Munsif, Babu Lalit Kumar Bose, to enquire into the matter. Babu Lalit Kumar Bose's report (No. 72, dated 14th January, 1901) and its annexures are filed with the record; they are not of course evidence against the four accused, but it may be necessary to refer to them hereafter when discussing the conduct of the Executive authorities during the trial.

The Abdul Aziz mentioned by Islam is witness No. 7. (He should be distinguished from No. 8 Abdul Aziz the ferry man). In theory it is perhaps to be regretted that he was not examined the same day as Islam. This was due to the fact that the Government Pleader asked that the two District Board witnesses should be examined on the 12th January (Saturday) as the District Engineer wanted to go to the Mufussil. No objection was raised by the defence, and as in the case of Hosan Torap, so here, I mention the matter only because something may be made of it when the case comes before the High Court.

Abdul Aziz says he was sitting in his hut when he was called. He came out to his *daraja* and Islam asked him to come a little way with him, as he had got a fright. Islam said that he was coming by the west bank of Ismail Jagirdar's tank, when he saw three or four men carrying what looked like a dead body. Abdul Aziz asked if he had recognised the men, and Islam replied yes, they were Sadak Ali, Aslam and Yakub Ali. Abdul Aziz said he did not ask anything more, but after this went some way with Islam and then returned home. This Abdul Aziz was one of the men who petitioned the Magistrate about Osman Ali Daroga threatening them: other petitioners as already stated were the two eye-witnesses, Hasan and Torab, the Atar Ali whom Hasan and Torab say they told about the occurrence just after they had seen it, and Rajab Ali (witness No. 9).

Rajab Ali says that just as the sun was setting he saw the four accused under a *but* tree on the Ichakhali road. This *but* tree is shown in Exhibit A*a*. It is east of Utsara Dighi the (Dighee of Exhibit 5) and on the other side of the road from the dighi (tank)—just in a line with the point J. I have taken it down that Ismail Jagirdar's house is three-quarters of a mile south-east of that place: but this must be a mistake of mine—the place is really about three-quarters a mile south-east of Ismail Jagirdar's.

Rajab Ali says the four accused were talking together, some sitting and some standing. After he himself had gone a little way on, he noticed that they were going west along with the north bank of the dighi *i.e.*, towards J). (The witness himself had gone round the east bank of the dighi. and was proceeding west along the Ichakhali road, so it was easy for him to see them, they being as it were parallel with him on the other side of the tank.) The road along the north bank of the dighi, I may point out, connects at J with that leading up past Ismail Jagirdar's house.

Then there is the evidence of witness No. 8, Abdul Aziz. This witness' cousin is lessee of the ferry between Lambakhali (10 kanis from Ichakhali the old steamer station, recently abandoned in favour of Lambakhati on account of the constant diluviation) and Chur Lakhia. The witness says that the ferry boat is plied by his cousin, his brother and himself, with the assistance of hired boatmen (mallas). The afternoon, before the occurrence, they had come back from Hatiya at 3 p.m. and this boat was moored at Ichakhali. The witness says that they stay at Ichakhali for passengers, as there is no *khal* at Lambakhali. (We here know this to be true—indeed most of the places mentioned in this case are as familiar to the assessors and myself as Bond Street and Pall Mall are to a Londoner.)

Abdul Aziz the ferryman says he was asleep at Ichakhali bazar in the early hours of Sunday the 26th August. About 2 or 3 a.m. Sadak Ali and Aslam came there. Sadak Ali, the witness says, woke him up and asked him what manjhies there were. Sadak Ali began the conversation. Aslam joined in it afterwards. The witness said he was a manjhi (man in charge of a boat). Sadak Ali then asked when the boat would start, and Abdul Aziz replied that it would leave for Chur Lakhi on the flood tide about 2 or 3 a.m. The witness then asked "How many of you are there?" and Sadak Ali said "We two." The ordinary fare for passengers to Chur Pagla, says Abdul Aziz, is two annas a head only and on Sadak Ali's saying there were only two of them, the witness told him there were six or seven boatmen, and it would not pay them to make the journey. The men said they would think a bit and make them an offer. The witness asked how much? Sadak Ali offered a rupee, Aslam two rupees, and finally Sadak Ali got up to three rupees; but the witness held out for four, and eventually Sadak Ali went away saying he would consult other people and did not return.

The witness says he informed other people of this matter a day or two afterwards. He did not depose before Osman Ali Daroga but he deposed before Mathur Babu, the Inspector, who under orders of the District Magistrate eventually sent up the case.

This witness seems to be a man of some substance and it may be worth while to mention a remark of one of the Assessors; when the defence pleader suggested that he might have been bribed. The Assessor rejoined that no doubt he might have been, but that with a man like that several hundred rupees would be wanted, and who was to give them.

Then there is the evidence of Mohabat Ali. This man is a resident of the village of occurrence, but mysteriously disappeared just before the trial. As the Police forgot to take any recognizance from him (or from any of the witnesses for the prosecution) to attend before this Court, it appears that he will escape scot free for his failure to appear. It is, however, proved by the evidence of Idris and of witness No. 17, a constable named Mohim Chandra Das, that search has been made for him and that he cannot be found, and his deposition before the Committing Magistrate has been admitted in evidence under Section 33 of the Indian Evidence Act.

This witness said in the Lower Court that early that Sunday morning he met Sadak Ali on the Chur Uria village road. He was going towards the south with his wife and with a child in his lap, and after repeated enquiries told the witness he was going to his son-in-law's. Mahabat Ali did not say where he met Sadak Ali, and as he disappeared at the trial in the manner above described, it was not possible to question him upon the point. But it is interesting to compare his evidence with that of Idris, who says he met Sadak Ali near the Mukhtear's at 7 or 8 a.m. Sadak Ali would seem even from the evidence of persons other than the eye-witnesses of the occurrence to have been extraordinarily active that night and early morning. Ichakhali I may say is a good four miles from Sudharam.

There is then the evidence of the accused men absconding after the crime. Too much of course should not be made of this, the accused were men who would naturally be suspected. But till a comparatively late hour on Sunday it was not known that Ismail had been murdered at all and till this was known there was no reason for anyone but the murderers to abscond. The extraordinary officiousness of the accused Yakub Ali and other enemies of the deceased on the morning of that day, and their attempts, which at first proved successful, to get Idris to report the death as an accident, have already been noticed and point to their knowing more of the circumstances of Ismail's death than would be known by innocent men. The anxiety of accused of Sadak Ali and Aslam to get away from the mainland that night, and Sadak Ali's presence near the Muktear's at Sudharam early the following morning have not been explained. It has been proved by the evidence of Idris and other witnesses that the houses of the four accused were deserted for several days after the occurrence. Even Mr. Reily, although at first he tried to lie about it, had at last to admit, when pressed by the Government pleader that he went to the house of Sadak Ali and Aslam on the Tuesday morning and found it deserted, and he is corroborated by the defence witness Head Constable Kista Chandra Bhadra, who shuffled and lied if it be possible even worse than his master. Mr. Reily also had to admit that "as far as he can recollect he does not think" that he found or met with any of the accused that Tuesday morning. No explanation of their absence has been offered.

There is also some important evidence given by Mr. Reily and Head Constable Kista Bhadra as to the signs of struggle. Mr. Reily says Osman Ali showed him a place about a 100 yards from Ismail's hut and about 70 yards from the tank, and that he saw marks which looked as if there had been a struggle there. This description would about tally with the date tree or rather would be a good deal south of it, but Mr. Reily admits that the distances are only guesses, and it is certain he must be mistaken, or at all events that what he says is incorrect. The place pointed out to me by both parties as the place where the signs of struggle were found is that indicated in the Head Constable's evidence. It is on the road which leads by the south bank of Ismail's tank up to his door, north of the *bari* of the accused Sadak Ali and Aslam in short, on Ismail's *daraja* and it is in that part of the *daraja* where there is a depression—in the dark cutting or gut already referred to. The witness (who be it remembered, arrived before the daroga) found footprints and kneeprints on both sides of the path and a plant about a cubit high had been broken.

I now come to the evidence of motive which is very strong. Sadak Ali, Aslam and Anoar Ali are all tenants of deceased, and none of them will pay their rent. Sadak Ali says Idris has not paid any for five or six years. Ismail first brought a suit for ejectment against Sadak Ali and Aslam and got a decree, but the two men took a *nim haola* settlement from him and stayed on. He afterwards sued to enhance the rent of the *nim-haola* and again got a decree. Three or four years ago Ismail brought a criminal case for assault against Sadak Ali, Abdul Hakim (the brother of Yakub Ali) and two other persons in which Sadak Ali was fined. Later, two years ago, he brought another assault case against the same four persons and Yakub Ali, but this latter case was dismissed. Against Aslam and Anoar Ali Ismail brought rent suits, which were still pending at the time of his death. The accused Yakub Ali has an uncle named Jatmadin. Ismail brought a suit against this Jatmadin on a mortgage bond, got a decree, and bought Jatmadin's *bari* (homestead) at the execution sale. Jatmadin, Amiradin, Yakub Ali and Abdul Hakim opposed deceased in taking possession: and deceased then brought a title suit against them and got a decree. This was three or four years ago. Deceased after getting the decree took possession of the homestead, but later on Jatmadin's son Aminadin felled and removed a tree from it. Ismail then brought a criminal case and Aminadin was fined. About two years ago Ismail's son, the witness Idris, was assaulted as he was going to that homestead by Yakub Ali accused and his brother Abdul Hakim and the same day these two and their cousin Aminadin looted some paddy from other land of Ismail's. For the beating Idris brought a criminal case, in which Abdul Hakim was sentenced to a week's imprisonment and Rs. 10 fine. For the loot Ismail brought another criminal case in which the same Abdul Hakim was sentenced to a week's imprisonment and Rs. 20 fine. Ismail also sued and got a decree for the mesne profits of Jahiradin's homestead. One Esab brought a case of cattle theft against Ismail, at the instigation it is said of these accused. Sadak Ali gave evidence for the prosecution in that case which resulted in Ismail's acquittal. Ismail let out three *koras* of land to Sadak Ali, and as the latter would not give it up (and apparently would not pay rent for it either) Ismail resumed possession by force a month or a month and a half before the murder. One day later on Sadak Ali came to this land and threatened Idris and his father, saying they had done for themselves by taking the land. The very day before Ismail started on the journey from which he never returned alive the Friday Ismail and his son were trying to impound some cattle of Sadak Ali's which were eating their paddy, but desisted in consequence of the threat of Sadak Ali and Aslam, the former of whom said this was the last thing (?) would do (literally this is your last time).

These facts are mostly derived from the evidence of Idris the son of deceased; they are not gainsaid but a number of decrees, judgments and the like (Exhibits 6 to 22 inclusive) have been filed to corroborate the oral evidence. The evidence of Kali Kumar Das, Ismail's pleader, is also important in this connection. He proves that on the day of occurrence rent suits of Ismail's were pending against the accused Aslam (who lives with Sadak Ali) and Anwar Ali, and that the very case in which Ismail gave evidence that day was one brought by his witness against Abdul Karim and Karim Buksh, the latter of whom, as already stated, lives with the accused Yakub Ali and his brother Abdul Hakim.

We have it therefore that deceased had had constant litigation, both civil and criminal, with all four accused, that on the night of occurrence he had suits pending against two of the accused (Aslam and Anwar Ali), was returning from giving evidence against the "mate" of a third (Yakub Ali) and had been threatened so lately as the day before by the fourth (Sadak Ali).

I now turn to the defence made by the four accused men themselves. From the committing Magistrate's order sheet it appears that on the 6th December, three days after the examination of the witnesses was concluded, he heard arguments, and it was not till after then, till the 7th, that he examined the accused. This was a somewhat unusual procedure, but obviously it was to the advantage rather than otherwise of the accused.

On the 7th December the day after arguments were heard, the four men filed a joint written statement (Exhibit 29) the purport of which is as follows:—

1. We are not guilty; we did not murder Ismail Jagirdar; we have unjustly and falsely been accused owing to a conspiracy.

2. Nunda Kumar Das *alias* Nanda Basi Das, Nanda Thakur and Sadak Ali, residing in our neighbourhood, are very litigious people and are "tornis" (village touts, corruption of "attorney"). During the police investigation they threatened and extorted money from several villagers and demanded money of us, and as we refused to pay, they have tutored their neighbours and got up other false evidence long after the occurrence and brought this charge.

3. As a matter of fact we are quite innocent.

When examined orally by the committing Magistrate the accused declined to say anything more. And with the exception of accused 2 Aslam they have been equally reticent in this Court. Aslam says that he is a very poor man without even a hut to live in, and that on the night of occurrence he had fever and headache and could not go out of doors or even take his food. He says he had paid his rent all right, but still Ismail sued him. He also says that deceased's family bear him a grudge because he did not depose when cited in Ismail's defence in the cattle theft case. The charge against him, he says, has been fabricated by the three men named with the help of Joshoda Babu (the mukhtar); they have charged him because he would not give them money.

To deal first with these separate allegations of Aslam, it is to be remarked that no attempt has been made to prove that he was ill and confined to his house on the night of occurrence; that it is in evidence that he and Sadak Ali live in the *bari* immediately south of deceased, and that no attempt has been made to show that Ismail cited him as a witness in the cattle theft case—a thing grossly improbable on the face of it as Aslam was living with Ismail's bitter enemy Sadak Ali. If Aslam be a very poor man, it is difficult to understand why anyone should try to extort money from him. "The empty traveller will whistle before the robber and his pistol."

Proceeding next to the more general allegations of the four accused there is no evidence whatever as to the litigious disposition of Nanda Kumar Das *alias* Nanda Basi Das of Nanda Thakur or of Sadak Ali, nor is there any evidence that they are "tornis" or touts or that they threatened or extorted or attempted to extort money either from the men in the dock or from anyone else. Nor does it appear at all likely that if these men or any of them really extorted or attempted to extort money from any of the villagers, there would be any difficulty in getting the villagers in question to say so, for there can be no question that the whole power of the Police Department from the District Superintendent downwards has been thrown into the scale on behalf of the defence.

It appears therefore that the defence set up by the accused themselves has entirely failed. I may remark before passing on to other matters that there is no evidence that a single one of the witnesses for the prosecution is in any way connected with either of the three men said to have fabricated the case, and that these three men are on the showing of the defence men of no particular consequence.

From the defences set up by the accused themselves I turn to the defences set up for them.

The first of these is that the witnesses who now testify that they saw Ismail being carried, Hosan, Torap and Islam did not depose before the Police. The all-sufficient answer to this contention is that these three witnesses swear that they did depose before Osman Ali Daroga on the morning of the 28th August at Ismail Jagirdar's *doroja*, and that Osman Ali Daroga does not dare to come into the witness-box and contradict them or (if that way of putting it be preferred, if the very obvious fact, that Osman Ali is financing the defence and *is* the defence, be ignored) that the accused men's pleader did not think it worth while to call him.

The contents of Osman Ali's diaries and his reports are not evidence being statements in writing made by a person who is within a few hundred yards of the Court, but is not called as a witness. The prosecution are not called upon to explain the fact that he did not send up the accused. His omission to *chalan* them would at most indicate his opinion that the case was false, and such opinion, even though honestly entertained, would not in itself and as distinguished from the grounds on which it was based be relevant. There is, however, a very adequate explanation of Osman Ali's inaction forthcoming, and indeed the defence pleader's decision not to examine him was the best possible indication, how complete that explanation was and how entirely his attempts to negative it had failed.

The explanation is to be found in two facts, the first the extraordinary (I wish I could say unparalleled) ascendancy which Osman Ali has acquired in this district and the second his connection with the accused.

Evidence has been adduced by the prosecution, and with one trifling exception no attempt has been made to rebut it, that a number of witnesses deposed before Osman Ali to facts incriminating the accused, that the most important of these depositions were recorded by him the moment the District Superintendent of Police's back was turned. Every circumstance of time and place is given, a crowd of people are said to have been present and several are actually named. Evidence has also been given that when the witnesses were summoned by the District Superintendent of Police, Osman Ali told them (in one case when handing the witnesses the summons) not to give evidence. This also is said to have taken place at a hât and several names of persons present are given. Evidence has also been adduced that after the men had given their evidence, Osman Ali threatened them on one occasion, the 15th September, just after the District Superintendent of Police had left at Peshkar's Hat, before a number of people of whom several are named. And all these things are said to have happened within three or four miles of the Sadar Station under the very noses of the European District Superintendent and of the European District Magistrate.

It has been urged by the defence that the conduct ascribed to Osman Ali by these witnesses is so extraordinary as to cast doubt upon the rest of their evidence. But it is strange, if he thinks this to be so, that the defence pleader does not put Osman Ali into the bar to contradict these witnesses—to tell a more probable story.

As a zemindari manager once told me in the very house where I have been writing this, the people who have the real power in the moffusil are not (save in exceptional cases) the European officials but the European officials' pet natives. It is the pet

Deputy to whom a native goes when he wants to get anything out of the Collector-Magistrate—the pet native policeman—sometimes Inspector, sometimes Sub-Inspector, sometimes head clerk,—who leads the District Superintendent of Police by the nose and the District Judge's sheristadar is often in everything but the actual disposal of cases a far greater personage than the District Judge. And this is due to two causes—one the enervating nature of the climate and the inertia it produces, and which leads the European officer to leave more and more to the subordinate who saves him so much trouble: the second the fact that between us and the natives of this country there is a great gulf fixed. The causes of this separation between the rulers and the ruled are manifold and need not be referred to here. Suffice it to say that the fact of that separation is notorious and that the natural result of it is that we very often know very little of what is going on around us.

Till I came here the most notable example I had met in these provinces of the type of subordinate I am speaking of was the sheristadar—he is still the sheristadar—of the Judge's Court at Mymensingh. But Kristo Kishore Basak the sheristadar is altogether eclipsed by Osman Ali the Daroga.

Mr. Reily's evidence as to Osman Ali is as follows:—

He cannot say exactly how many years Osman Ali has been here; but he was here when he (the witness) arrived. He has always considered Osman Ali to be of good detective ability. Whenever he has had anything specially difficult to do—any special difficult case—he has usually put Osman Ali on it. Osman Ali has been the only Sub-Inspector he has had whom he could depend on for a difficult case. Mr. Reily believes he has recommended his promotion. He believes he has been promoted while he (the witness) has been here. Osman Ali has received a watch and a medal while Mr. Reily has been here. Mr. Reily has had every confidence in him.

The cross-examination of the defence pleader on this point was mainly directed to showing that other people besides Mr. Reily had had confidence in Osman Ali. This may be granted. The success of a man of this kind depends on his not being found out by his European superiors and many of them, Kristo Kishore Basak for instance, have most beautiful testimonials.

Mr. Reily was more communicative to the defence pleader (who had originally cited him) than he was to me. He can not say for certain, says Mr. Reily, how long Osman Ali has been in service—he has all along, Mr. Reily believes, been in this district—he worked up his way from a constable for a short time. Mr. Reily believes he was in Barisal or Jessore, the witness is not sure which, for about three months. The fool in Mr. Reily is even more prominent than the knave and this flow of information must have rather disconcerted the defence pleader, who merely wanted to get out of him that Osman Ali was a man of long service. When, it may be for want of breath, the witness stopped, Babu R. K. Aich managed to elicit that he believed Osman Ali had been in Government service for more than 25 years. He is in the second grade of Sub-Inspectors. Mr. Reily believes he was given the watch in the time of his predecessor Babu Rash Behari Biswas. The chain was given by the District Magistrate on recommendation adds Mr. Reily, but does not say on whose.

The Government Pleader of this district is a man of strong religious convictions. It is possibly due to this that he did his duty in this case, it may be at the expense of his interest. Many Government pleaders—the one at Chupra for instance would certainly not have done their duty, in this case. Other people, it appears from his cross-examination of Mr. Reily, have not had the same high opinion of Osman Ali as Mr. Reily himself has. Mr. Reily believes that the Sub-Divisional Officer, Feni, called on Osman Ali to show cause why he should not be prosecuted under Section 211 (bringing a false case) in nine salt cases which he chalaned. Those nine cases were (thereupon) transferred from the Court of the Sub-Divisional Officer, Feni, to that of Babu Ashutosh Banerji at Noakhali. Yes, he believes Ashutosh Banerji has dismissed all those cases. He has not as yet taken any action against Osman Ali after the dismissal of those cases. Those cases were dismissed before the puja vacation. He knows that a certain number of cases which Osman Ali had sent up in "C" form were directed by Mr. Ezechiel to be sent up in "A" form. (The question was: Is it not a fact that many such cases, etc. The witness first answered "I believe so." I then asked him if he did not know and his reply was as above). It is a fact that in some of those cases convictions were obtained. He did not take any step against Osman Ali after convictions were obtained in those cases—except calling for explanations.

The Government pleader then asked the witness "am I to understand that after receiving explanations you dropped the whole matter?" The witness replied "I don't think I have dealt with all the explanations as yet."

In answer to further questions of the Government pleader's Mr. Reily said that he knows of a case in which Hamid Ali Chowkidar was complainant and Serajul Huk accused—decided by Babu Sarat Chunder Sen, Deputy Magistrate. It was a case of cattle lifting. He did not take any action upon Sarat Babu's remarks against Osman Ali in that case, but believes that an enquiry was made into them under his orders by the Inspector Bharat Chunder Mozumdar. (This last in reply to a question put by the Court at the instance of the defence pleader.)

The case of Empress *versus* Mohesh Chandra Guha has already been referred to. Mr. Reily says that the District Magistrate Mr. Ezechiel ordered "A" form to be submitted in this case. The District Magistrate is head of the Police. Mr. Reily is only head of the Police under him. It did not occur to Mr. Reily when Mr. Ezechiel ordered "A" form that it was desirable to remove Osman Ali from the charge of the Sadar Thana. He has heard that one of the witnesses attending Court in this case was arrested by a town constable named Isof Ali, but had not, when he gave his evidence, seen the first information in that case. Town constables are under the Sub-Inspector of the Sadar Thana.

With this evidence should be read that of the defence witness Kristo Chandra Bhadra, Head Constable of the Sadar Thana, given on the 21st January, five days after Mr. Reily had given the above evidence, and three days after Mr. Reily's examination had been concluded. Osman Ali says the witness is still in charge of the Sadar Thana. He has not been suspended. So far as the witness knows, no proceedings have been instituted against him by the superior Police authorities.

Magistrates and Sessions Judges may complain of Osman Ali but it matters naught, so long as he has his departmental superiors on his side—it is Magistrates and Sessions' Judges who will come to grief, not he. So long as he keeps out of the witness-box I can't prosecute him, and he knows well enough that Government won't.

I now come to the nature and extent of the supervision exercised by his departmental superiors over Osman Ali during the month or more that the case was in his hands. The supervision exercised by the Inspector will be discussed when I come to deal with the Inspector's evidence. I confine myself here to the District Superintendent of Police.

Mr. Reily says that he went to the place on the morning of the 28th August to "test the enquiry" made by Osman Ali. All he actually did however was to examine complainant and his mother and "speak to" the village chowkidar. After the 28th all he did was to "supervise the enquiry from the office" "by seeing the diaries as they came in every day." The way he exercised this supervision was by passing written orders; there were three such orders.

The first, dated 29th August, is as follows:—

"The Sub-Inspector must make every endeavour to trace the accused."

The accused, be it noted, were not at that time ascertainable from the diaries. All the order means is that the Sub-Inspector must try to find out the murderers—a harmless order enough, but not a very useful one.

The second order, dated 31st August, is as follows:—

"The Sub-Inspector should have recorded their statement under Section 161."

By "their" Mr. Reily explains he meant the accused. As under Section 162 of the Criminal Procedure Code such a statement would not be evidence, this order also is not a very useful one.

The only other order Mr. Reily passed was on the 1st September. It runs "The Sub-Inspector does not seem to have questioned the accused as to the actual occurrence whether they were present. The Inspector must see that important points are made quite clear."

Much as I have condemned Osman Ali, I do not think he could reasonably have expected the accused to admit their presence at the murder or could reasonably have attached much (or any) importance to their denial.

So much for the supervision from the office. I now come to Exhibit 3 the petition which Mr. Ezechiel sent to Mr. Reily on the 6th September and which the latter returned the same day. It has already been quoted in *extenso.*

Against paragraph 4 where complainant said that some persons had disclosed that the suspected enemies of his father had actually caused his father's death. Mr. Reily has noted "Incorrect, no such evidence has been elicited."

In paragraph 5 Mr. Reily has underlined the name *Amjad Mia*, and has noted against it. "He is a *Panchayet* and went to the village with other *Panchayets* on being called by the Inspector. The statements mentioned here are all nonsense. I have visited the spot and tested the enquiry."

Against paragraph 6 he has noted, "The Inspector has been supervising the enquiry locally and has kept me informed daily of how the enquiry is proceeding. Up to date there is no direct or circumstantial evidence against the accused; in fact there is not an atom of evidence against anyone. The complainant may be directed to produce his witnesses before me whom he thinks will prove his case."

Now Mr. Reily admits that the only steps which he took to test the truth of Exhibit 3 were to look at the Police papers, and to question the Inspector and the Head Clerk. The only test he had made of the enquiry was that which he had made on the 28th August and which has already been discussed and he had not since then been to the spot. By his note "incorrect, no such evidence has been elicited," he merely meant that no such evidence was to be found in the papers which the Police put up before him. He denied the statements in paragraph 5 to which his attention was specially drawn by the District Magistrate, on the strength of what the Inspector and the Head Clerk told him. The Head Clerk certainly and the Inspector *he thinks* told him that Osman Ali was not related to the accused—so far as he can recollect he did not ask Osman Ali himself upon the subject. His marginal note as to Amjad Mia was based on the statement of the Inspector.

This was when Mr. Reily was examined by the Court. When cross-examined by the Government pleader he said that he cannot say whether Amjad Mia is *panchayet* of the village of the deceased as he made no enquiry on the point. He then shuffled and said he may have made enquiries. He thinks he enquired from his Head Clerk. When pressed by the Government pleader he said that he cannot recollect that he made any enquiry as to the truth or falsehood of the allegation that Amjad Mia was a *panchayet* of the village.

It is very noteworthy that the Inspector Bharat Chandra Majumdar entirely fails to corroborate Mr. Reily's evidence about Exhibit 3. I think that probably Mr. Reily's evidence as to his consulting the Inspector is false and that he consulted no one but the Head Clerk. It may be that between his examination and his cross-examination Mr. Reily found that the Inspector was unwilling to lie on his behalf.

I do not think I am doing Mr. Reily an injustice in saying that what he did on Exhibit 3 was to pass on to the District Magistrate a series of falsehoods told him by his Head Clerk under his own signature and to add to them other lies of his own intended to make Mr. Ezechiel believe that he had carefully checked the investigation and gone into every thing himself, where as he had really done nothing of the kind but on the contrary had grossly neglected his duty.

Mr. Reily's suggestion that the complainant be directed to produce his witnesses before him (Mr. Reily) was obviously designed to prevent Mr. Ezechiel from "taking up the case from the hand of the police" as prayed by the complainant and "taking down the evidence by his worship's self or ordering due enquiry by a competent Court." And the result achieved was that the due enquiry by a competent Court was postponed for another one month and ten days.

The way in which Mr. Reily played into Osman Ali's hands with regard to his special Diaries and the summoning and examination of the witnesses has already been described. It is not necessary here to go into Mr. Reily's proceedings on the 14th and 15th September. Mr. Reily never went to the place after the 15th. He admits that he would not send up any report at all until Mr. Ezechiel ordered him to: that Mr. Ezechiel ordered him to send the other Inspector Mathur Babu down to the spot to arrest and *chalan* the accused, and that Mathur Babu actually did arrest some of them, but then, even, after they had been arrested, and in defiance of the Magistrate's orders he submitted C Form, and submitted it as already stated just as Mr. Ezechiel was going away. He also admits that during the period between 15th and 28th September, he talked over the case with Osman Ali and Bharat Babu and here again there is only Mr. Reily's evidence that Bharat Babu as well as Osman Ali was consulted. It is I think not unreasonable to suppose that Mr. Reily's delaying and his disobedience of Mr. Ezechiel's orders were due to Osman Ali's influence.

Of Bharat Babu's supervision suffice it to say here that on his own showing it was nominal. And it will be seen from the above that Osman Ali not only could but did twist Mr. Reily round his little finger.

It is due to Bharat Babu, who so far as I can see has not told any direct lie, though he has probably kept back a good deal that I should point out that in all probability he was powerless to check or control Osman Ali, and that if he had attempted to do so he would probably only have got himself into trouble.

It will thus be seen that Osman Ali, was in a first rate position for burking this case, if he had wished to do so; not only was no effective control in fact exercised over him but he had no reason to fear that any such control which he exercised—had on the contrary every reason to believe that whatever he did his superiors would back him up through thick and thin.

I now come to the motive which Osman Ali had for burking the case. This may of course have been a pecuniary one; but a more natural and obvious explanation is supplied by his relationship to the accused.

Osman Ali's maternal uncle (mamu) Ali Monjhi is paternal uncle (chacha) of the accused, Yakub Ali. Osman Ali's daughter is married to the son of the Amjad Mir already alluded to and the accused Sadak Ali is this Amjad Ali's maternal uncle. Abdul Halim the man discharged by the Committing Magistrate is Amjad Mir's nephew. Abdul Karim who though accused in this case is not on his trial, is Osman Ali's wife's uncle. Another accused Karim Baksh (the man who lives with Yakub Ali) has married the niece of Hamidulla, Amjad Ali's nephew. It will thus be seen that in one way or another Osman Ali Daroga was connected with no less than five of the persons implicated in this case.

Further, it is proved that this Amjad Mir was extraordinarily active during the police investigation, as also was his nephew Hamidullah. This Hamidulla is better known by his sobriquet: indeed the witnesses hardly ever call him by his real name. Many people perhaps wrongly attach considerable importance to the indication of character afforded by the nickname given to a person by those who know him best. As in a case reported by Montague Williams, a poor little innocent girl lost her rape case against a great brutal man, because "they called her Cock Robin": as the head of the Local Government, among the Anglo-Indian community is universally known as Soapy John: so none of his neighbours ever call Hamidullah anything but Hamida Thaka, Hamid the rogue. "Slim Hamid" might serve as a Translation, but that denotes instead of connoting rascality.

Amjad Ali and Hamida Thaka, says Idris, were in his village the whole time the daroga was there. They do not live in his village. Amjad lives 2 or 2½ miles and Hamida one mile off. They were looking after the case on behalf of the accused. They would go to the houses of those latter and come back and whisper to Osman Ali.

Idris was cross-examined for nearly two days, but no attempt was made to impugn his testimony as to the part played by Amjad and Hamida Thaka.

Torab Ali deposes that he saw Amjad and Hamida before the Daroga when he was examined by the latter on the morning of the 28th August.

Ismail (Islam) goes further. He says that having received certain information he went to the Jagirdar's bari the morning after the occurrence, and was present when the body was taken out of the tank. As the Jemadar (Kristo Bhadra) was preparing the *surothal* (descriptive roll) of the corpse, he caught sight of Amjad and Hamida and beckoned them to come aside. They did so and he told them what he had seen the night before. They told him not to tell the Head Constable, but wait till the Daroga come and tell him. This witness also says that Amjad and Hamida were present when he deposed.

The defence pleader had not ventured to cross-examine Torab as to Amjad and Hamida, but he elicited from Ismail that three other persons named were present, when the body was taken out, and asked him why he told Amjad and Hamida instead of telling them. The witness replied that they were country fellows like himself, while Amjad and Hamida conduct cases and know about law.

It will be seen from the above that till the case for the prosecution was closed no serious attempt was made to dispute the fact that Amjad and Hamida were present at the police investigation and were looking after the defence.

The first witness for the defence was the Head Constable (Kristo Chandra Bhadra) who prepared the *surothal*. This witness admits that Hamida Thaka was present when the *surothal* was written; but denies that Amjad was there. He admits that Amjad was present *one day* during the investigation. He denies knowing of any relationship between Amjad and Hamida.

The *surothal* prepared by this witness has mysteriously disappeared. The witness says he made it over to Osman Ali on the night of the 27th August (why he kept it till then does not appear) and has not seen it since.

The prosecution allege that the *surothal* has been made away with because Amjad Mir's name was in it as a witness. The witness denies this, but his prevarication was more instructive than any admission and he will not swear that *no* Amjad Mir is down in it as a witness. Probably he is not without suspicion that the *surothal* may turn up yet.

The witness has committed gross perjury on other points and I have no hesitation in disbelieving his evidence as to Amjad Mir's absence and in preferring that of Ismail (Islam).

The defence have not attempted to deny the relationship between Amjad and Osman Ali. Amjad has, however, been examined for the defence and has denied that he is any relation either of the accused men or of Hamida, or that he looked after the case for the defence in the Lower Court. He says he only attended the police investigation on one day, when Bharat Babu was there, and that Bharat Babu sent for him.

The defence cited Bharat Babu, but did not examine him on this point.

This Amjad it appears, is a *panchayet*, not of Ismail Jagirdar's village, but of the neighbouring village of Solla. He admits he lives three miles from Ismail. There is nothing, but his own word to show that Bharat Babu ever sent for him, and perhaps he may have felt it would not be safe for him to deny his presence at a time when Bharat Babu was present.

Not only is Amjad's evidence at variance with that given by several witnesses for the prosecution, two at least of whom were not even cross-examined on the point, but the witness himself is obviously not a man on whom any reliance can be placed. He admits that he was a duftry in the Collectorate. He denies having been dismissed, but says he was suspended, and that after being suspended he never rejoined. He also admits that all his property has been sold in execution of a decree and that the decree has not been satisfied thereby. He admits that he heard of the occurrence before the Inspector's visit and knew that Osman Ali his daughter-in-law's father had gone to investigate, but he says that there was rain and storm and he was unwell and so did not go to the place.

Ali Manjhi a very old man has denied all connection not only with accused but with Osman Ali.

As to the relationship of Amjad Mir with the accused and of Ali Manjhi with both Osman Ali and the accused, the prosecution have not only examined Idris and Rajab Ali but have called two witnesses who are themselves relatives of Amjad and Ali Manjhi. The first of these is Abdul Latif (witness No. 13). This man is a khas mehal peon and is also a taluqdar. He says that Amjad Mir's mother was his own grand aunt. That Amjad calls Sadak Ali nephew and that the two men visit each other. Hamida, he says, is Amjad's brother's son. The witness says that he was present on two days of the police investigation and that he looked in twice during the evening, on his way home from office. Amjad and Hamida were present and looked after the case for the accused.

Amjad Mir, it should be remarked, denies even knowing this witness.

Witness No. 14, Ana Mir says that Ali Manjhi's mother was his aunt. So that he and Ali Manjhi are first cousins. Osman Ali's father, he says, was Ali Manjhi's cousin and Yakub Ali and Ali Manjhi are similarly related. Ali Manjhi's sister Mewa Bibi lives with Osman Ali and her husband Riajuddin died in Osman Ali's house.

Ali Manjhi denied even knowing this witness and says that so far from Ana Mir's aunt being his mother, Hira Mir and he are not related at all. Ali Manjhi however finds it convenient to forget what his own mother's name was or whether she had any brother. He admits however that Mewa Bibi is his sister, and that Riazuddin was her husband. He denies that Mewa Bibi is living at Osman Ali's but admits that Riazuddin is buried there.

I have no hesitation in disbelieving the evidence of Amjad Mir and of Ali Manjhi and in believing in spite of that evidence that Osman Ali is related through them to the accused and that Amjad Mir and his nephew Hamida Thaka managed the defence before him.

For the above reasons, I do not think there is any thing surprising in Osman Ali's failing to send up the accused nor does his omission to do so in any way shake my belief in the truth of the evidence as to the accused men's complicity now given by the prosecution witnesses.

The reason why Osman Ali does not himself venture into the witness-box is simple enough. It is contained in Section 477 of the Code of Criminal Procedure which empowers a Court of Sessions when perjury is committed before it to take up the case itself without any reference to the Magistrate or to Government.

Osman Ali knows better than to put his own head inside the lion's jaws. But still there had to be some evidence contradicting the evidence adduced by the prosecution that Hasan, Torab and Islam deposed before Osman Ali on the 28th August, and the Head Constable Kristo Chandra Bhadra, a subordinate of Osman Ali is accordingly put forward to give that evidence.

This witnesses' prevarication about Amjad Mir and the mysterious disappearance of his *surothal* have already been noticed.

He gave some palpably false evidence as to his finding a number of the accused present on the 27th August and a reference to his deposition will show how he prevaricated as to the District Superintendent of Police finding the bari of Sadak Ali and Aslam deserted on the following morning.

He says that he was with the Sub-Inspector for the whole of Tuesday the 28th August and that neither Hasan, Torab Ali nor Islam deposed before the Sub-Inspector on that day. He also says that he remained at the place for four or five days but that none of these three witnesses deposed on those days either.

In cross-examination the witness said that the Sub-Inspector did not depute him on any duty that day. He was that whole day and night at Ismail Jagirdar's bari, he did not go anywhere else.

He was then asked by the Government Pleader "is it not a fact, as stated by Osman Ali, that he deputed you that day to make enquiries and that you returned at 10 p.m. and told him that you had found out nothing?—*A.*: I do not remember it.

Q.: Can you swear that you did not go out of complainant's bari that 24 hours?—*A.*: I did not go beyond the village.

Q.: I am speaking of complainant's bari; can you swear you did not go out of that?—*A.*: I cannot say for certain.

The witness can however say for certain that during the whole day the Daroga did not examine the three witnesses, Torap Ali, Hosan Ali and Islam. He cannot say how many witnesses or what witnesses Osman Ali examined on that day. He did not know Hosan Ali or Torap Ali before (the witness says he knew Islam before but denies it was because Islam was a witness to the *surothal*). He first saw them in Court. He had never seen them till they came to Court to give evidence. He was sitting to the north side of the tamarind tree (a tree in Ismail's *doroja*, under which the witnesses say they deposed, a few yards from the cutchery ghur) when the Daroga took depositions, but how long he remained sitting there he cannot say. He cannot say on which side of the tamarind tree the Daroga was seated. He does not remember whether it was in the morning or afternoon that the Daroga examined witnesses. Some time he was in the cutchery hut. He can't say at what time he was under the tamarind tree and at what time in the cutchery hut. Torab Ali, Hasan Ali and Islam were not there, he cannot say what other witnesses the Daroga examined.

In short, the witness cannot tell us anything else at all about the examination of witnesses by the Daroga on that day. The one thing he is absolutely positive about is that the Daroga did not examine any of these three men. Although the examination was more than four months ago and the witness admits that he never saw two of the three men in his life till a few days before giving his evidence

Comment on this evidence is, I think, superfluous. I cannot believe Kristo Chandra Bhadra and think he has committed gross perjury, not improbably he has received a heavy bribe for doing so. And in connection with the possible motive for his perjury I may mention a fact which is not of course evidence on the issue as to the guilt or innocence of the accused the fact that Osman Ali's cross-examination in Empress *versus* Mohesh Chandra Guha (the record of which I sent for while this case was going on) shows that he has amassed what for a man in his position may be called a considerable fortune.

It is worth while noting that no one, not even Head Constable Kristo Chundra Bhadra denies that Abdul Aziz and Rajab Ali gave evidence before Osman Ali incriminating the accused, nor has any evidence whatever been adduced to rebut the allegations of these two witnesses and of the three eye witnesses of the occurrence contained in Exhibit 4 and repeated on oath at the trial, that they were threatened by Osman Ali.

Next it is urged for the defence that Hosan Ali and Torap Ali in going from Bellew Sahib's Hat to their homes would have naturally taken not the route A. B. C. D. E. F. G. H. I. J. K. L. M. N. R. as described by them (*vide* Exhibit 5), which route took them to the east of Ismail Jagirdar's house but a shorter route. In the District Superintendent of Police's remarks on the C. Form, Exhibit Y7 (two shorter routes are suggested) (1) Guru Mir's road, (2) Ashak Jemadar's road. In the arguments, however, Guru Mir's road has practically been given up as it is proved by 5. Saroda Mohan Chakravarti (and we also saw for ourselves when we visited the spot) that this so-called road is a mere footpath, almost on the level of the fields, and it is admitted on all hands —except by defence witness No. 3 the Court Head Constable Mohim Chundra Mojumdar, who says that when the District Superintendent of Police visited the place on 15th September the *math* (cultivated land) was dry, that at the time of occurrence the height of the rains the whole country was under water.

The road which the District Superintendent of Police calls Ashuk Jemadar's road, and which it is suggested by the defence, the witnesses Hasan and Torab would naturally have taken when returning home from Bellew Sahib's Hat, is that indicated on the District Board plan Exhibit 5 as A. B. C. D. E. F. O. P. Q. R. It passes to the west—to the back of the houses of Ismail Jagirdar and of the accused Abdul Hakim. At Ismail Jagirdar's house it runs parallel or nearly so to the road I. T. by which the witnesses say they came. At that point it must be at least 300 yards from the eastern road (the distance F. G. is according to the District Engineer 870 feet). If, therefore, the witnesses had gone home this way, they would have seen or heard nothing of the occurrence.

The two roads have been measured by the District Engineer who says that the distance from F. to R. *viâ* G. H. I. J. K. L. M. N. is 6,670 feet (say a mile and a quarter) and the distance *viâ* O. P. Q. is 5,345 feet (say a mile). There is thus a difference of 1,325 feet or almost exactly a quarter of a mile in favor of the west road. And the defence urge (and persisted in urging even after we had been to the place, so desperate was their case) that Hasan and Torab would have taken this western road to save the quarter of a mile, and are not to be believed when they say on oath that they took the eastern one.

It is to my mind very significant that the defence pleader has not even cross-examined Hasan and Torab as to why they took the longer road in preference to the shorter one.

The reason why they did so is that they could not possibly have gone by the shorter road, as they would have been pulled up by a break 20 yards long with two feet of water and a deep into four feet of water on each side.

There was no mention of this break in Osman Ali's C. Form as in Mr. Reily, District Superintendent of Police's accompanying remarks nor is it shown in the Police map (Exhibit A) prepared under Mr. District Superintendent of Police Reily's signature for the identification of the District Magistrate.

Mr. District Superintendent of Police Reily says when cross-examined by the Government Pleader that he believes there is a break on Ashak Jemadar's road somewhere near the point where it joins Guna Mir's road—he believes it, that is all. He has been all over the road, but does not remember any other breaks. The length of the break he saw was about the length of the Bench Clerk's table (perhaps five feet) and its breadth would be about the breadth of the witness-box (say one foot nine inches). The witness made all these statements with the utmost assurance and sangfroid. The Government Pleader next asked him if he would undertake to swear that the length of that break was less than sixty feet. Oh, no, he couldn't do that.

The Assessors and I had a view of the place under Section 293 of the Criminal Procedure Code, on the application—which the Government Pleader ascribed to the grace of God—of the pleader for the accused. It has been laid down by the Madras High Court in Queen Empress *versus* Monikani (Indian Law Reports 19, Madras, 263) that an inspection of the *locus-in-quo* should only be made for the purpose of enabling the Magistrate to understand the better the evidence which is laid before him, and it must be strictly confined to that. This being so, I will confine myself here to saying that nothing in the case helped us so much as this local inspection to understand the extent to which Mr. District Superintendent of Police Reily had lied.

To revert to the evidence laid before us, the District Engineer and his Sub-Overseer both depose that there are three breaks along this road F to R (Ashak Jemadar's road). The District Engineer measured all three, his subordinate the biggest only. The breaks are all shown on Exhibit 5. The first, between O and P is 50 feet long by one foot deep, but there is an *ail* or raised part along the side. The second between P and Q is 20 feet long by nine inches deep. The third between Q and R is 60 feet long by two feet deep. The breadth, according to the Sub-Overseer is eight or nine feet, *i.e.*, the whole breadth of the road, no one asserts there was any side path and there are ditches on each side. There is a slight discrepancy between the District Engineer and his subordinate. The latter says that the breaks at the edges (ends) would not be more than nine inches below the level of the road: the District Engineer, that the minimum depth of the breaks would not differ from the maximum by more than three or six inches, he does not think it would be as much as nine inches. The break at Q to R according to him would thus at no part of its length be less than one foot six inches deep and in parts would be two feet deep.

The Sub-Overseer deposes that in the rains (and the occurrence took place at the height of the rains) the water in these parts is within six inches of the level of the road. It is also in evidence that at that season the surface of the breaks is muddy.

Hasan and Torab depose that at the time of occurrence the water in this break would have been waist deep. Witness No. 15, Hari Das Das, who lives just the other side of the break, deposes that when there is heavy rain the water is up to one's chest, and that in the rains there is never less than 2 or 2½ cubits of water. No one he says ever goes that way in the rainy season—people pass by the road which Hasan and Torab say they took.

With this should be read the evidence of the Court Head Constable Mohim Chundra Mojumdar, the man who prepared the Police map under the orders and "*in the presence*" of Mr. Reily. This witness says (I have no doubt it is all pure invention) there was much talk between the parties which road the witnesses would have gone, and the Sahib said "Let us see what will happen if we go by each road" so they went by the western road as well as the eastern. They went south along the western road till they came to a break, not far from the Ichakhali road. They did not go any further south because they were in uniform, and there was water in the break. They all, District Superintendent of Police, Bharat Babu, Osman Ali and himself went as far as the break and then went back again. In cross-examination the witness said that they got past some smaller breaks before coming to the south break; that in this south break there was mud and about 18 inches of water. He did not show the break because the District Superintendent of Police did not tell him to. He was then asked if he purposely omitted it. He replied in a shame-faced manner that he put down whatever the Sahib Bahadur told him to. The District Superintendent of Police did not tell him not to show the break. He was not bound, the witness says, to show the true state of things: he only put down what the District Superintendent ordered him to.

To the Court: The witness said that they all, Police Sahib, Bharat, he and Osman Ali came back from the break because there was a break and water in it and they would have got wet. It did not strike him, says the witness to note in the plan the reason why they could not go any further that way, nor did anyone tell him to. He cannot say why he showed both the roads east and west of Ismail's *bari*, he did it because he was told to.

Mohim says he was all along with District Superintendent of Police. They did not go along Gina Mir's road. He has shown it on his plan, but that is because he could see a certain way from each of the ends as he passed, and he made the two pieces next in his plan.

Mr. Reily says he can say *from his own knowledge* that Mohim's pen is correct. He went over all three roads—Guna Mir's and the other two—himself. He passed along the whole of Ashuk Jamadar's road. The water at the break was not deep, he sent some villagers in, and it was below their knees. He himself passed along on horse-back. (Apparently Mr. Reily thought that the break had high land and not ditches on each side of it.) The Inspector Bharat Babu, says Mr. Reily was with him when he went over these three roads on the 15th, as also were the witnesses Hosan and Torab.

The Inspector Bharat Baboo denies all this. On the 15th he says he came with Mr. Reily from Bellew Sahib's *hat* and they passed round the Kalabhanga *dighi* and came down the road which passes east of Ismail's house. On striking the north bank of the tank (at H) they went west along it and got to a place where two roads meet (presumably F). Bharat Babu says he remained standing there. The Sahib went south-to see the break, but he did not go with him nor the whole time he was there—and he was there not only on the 14th and 15th September, but on six days before in August and the early part of September when he was "supervising" the investigation—did he ever go along the road where those breaks are—Ashak Jamedar's road. For all therefore that Bharat can tell us to the contrary, his superior's assertion that there is only one break about five feet long may be true, but his superior's assertion that Bharat was with him when he went over that road must be a mistake. And as to Torap and Hasan who also according to the D. S. P. were with him, Bharat does not know any such persons. Bharat does not know the witnesses for the prosecution, he has not seen who have deposed, so how can he say who they are?

Bharat Babu, be it remembered, is the second Police officer in this district even as Mr. Reily is the first. Which of them are we to believe?

I now come to the plan (Exhibit A) which Mr. Reily puts forward as a correct plan of the place of occurrence. It bears *in ink* his signature and the date 15/9. Mr. Reily swears he finished it on that date. He swears that he can say from his knowledge of the locality that it is correct.

Mr. Reily says that *after he finished the plan* he went and saw the District Magistrate Mr. Ezechiel (and showed him the plan. That may have been *two days after* (the 15th). There is no evidence as to the subsequent custody of Exhibit A but not improbably it may have remained with Mr. Ezechiel even then. Saroda Mohon Chakravarti, the District Board Sub-Overseer says he prepared Exhibit 5 under orders of the District Engineer on 18th November, and it must therefore have been on or before that date that Binod Babu (witness No. 6) got Mr. Ezechiel's order to prepare one. It is clear therefore that by 18th November at latest Mr. Ezechiel suspected the accuracy of Exhibit A, and it is not perhaps a very wide inference that from that time onwards he would see that Exhibit A was not tampered with.

Exhibit A is not drawn by Mr. Reily—there is nothing of his in it but the signature and date. Exhibit A was put in evidence by the defence pleader Baboo R. K. Aich. It was only when Mr. Reily was cross-examined by the Government Pleader that it transpired that Exhibit A was not an original but a copy—that there was a "rough map" in Mr. Reily's office and that he had signed Exhibit A without comparing it with the rough map prepared in the locale.

Mr. Reily was then asked to send for this rough map. Before it was shown to him he swore that he could say from his personal knowledge that the fair copy even though he had not compared it with the draft was correct.

The rough map is Exhibit Aa Mr. Reily admits that he had it in his hand two days before Tarak Babu examined him, *i.e.*, on the first day of his examination. He had therefore the opportunity of tampering with it.

And it is very significant that Bharat Babu who says in cross-examination that he saw the draft as it was made, declared even without taking it into his hand that he did not see Exhibit Aa—the plan Mr. Reily swears is the draft—and when pressed says that he cannot say for certain whether or not it is the draft.

I think most likely it *is* the draft but that Bharat Babu knows it has been added to and does not want to be asked about the additions.

Both Exhibit A and Exhibit Aa are the work of the Head Constable Mohim Chandra Majumdar. And as Exhibit A has nothing of Mr. Reily's but his signature and the date, so Exhibit Aa, has nothing of his but certain pencil marks shortly to be noticed.

Both the entries are "false documents" within the meaning of Section 464 of the Indian Penal Code for in each case Mr. Reily's intention when he made the entry was to make people (in the first case Mr. Ezechiel, in the second this Court) believe that the entry was made at a time at which he knew that it was not made. And as the documents purported to be made by a public servant in his official capacity Mr. Reily by making them appears to have committed offences under Section 466 of the Indian Penal Code and by using them as genuine to have committed offences under Section 471.

To take the date on Exhibit A Mr. Reily's diary for September 15th (Exhibit B 24) shows that he left the place of occurrence at 4 p.m. The last place Mr. Reily mentions in that diary is close to Ismail Jagirdar's house. The distance from Ismail Jagirdar's house to Sudharam is 3½ miles. When he left that place only Exhibit Aa (and probably only a part of that) had been prepared. Even assuming that Mr. Reily is a good rider and could gallop that 3½ miles still Mohim Chandra Majumdar the Head Constable and mapmaker was not mounted and would have to walk them. A mere glance at the plans will show that it would take Mohim Chandra Majumdar a good three or four hours to copy out Exhibit A. Mr. Reily no doubt says he did not compare Exhibit A with Exhibit Aa before signing, but there was really no occasion, if Mr. Reily were working honestly, for any special hurry and no reason why the Head Constable should bring the copy to him at nine or ten at night. The fact no doubt is that Mr. Reily has purposely antedated his signature because he did not want Mr. Ezechiel to know that Exhibit A *was* a copy—he wanted Mr. Ezechiel to believe that it was a plan made by himself on the 15th instead of being, as it really is, a copy made after the 15th of a plan made partly in, but in great part (and that the most important part) *out* of

Mr. Reily's presence on the 14th, 15th and possibly subsequent dates. Even in this Court it will be noted that Mr. Reily first claimed Exhibit A as being his own plan: and it was only by slow degrees that the truth was forced out of him.

It may be worth while noting as bearing on Mr. Reily's veracity although not as evidence in the case that it appears from Osman Ali's diary from 15th September (sheet 112 in the B file) that Mohim Chandra Majumdar, the Head Constable, remained at the place till 6 p.m. and then came back to the town with Bharat Babu and Osman Ali himself. No doubt the plan was being finished then. Mr. Reily was too lazy to do it himself, his complaisant subordinates said they would do it for him. Complaints had no doubt been made against Osman Ali but then as Mr. Reily wrote to Mr. Ezechiel they were "all nonsense."

I now come to the draft Exhibit Aa. Mohim Chandra Majumdar who made this draft says he did not show any break in it at all, that he was never told to and did not think it necessary to. But Mr. Reily points to two pencil marks at the place marked Exhibit Aa, and says he made these to indicate the break.

And so I have no doubt he did make them, but I have equally little doubt that he made them on the 16th January, 1901, and not on the 15th September, 1900.

Mr. Reily explains the absence of any such marks from Exhibit A by saying it might be an omission on the part of Mohim. But the far more obvious explanation is that Mr. Reily was unable to tamper with Exhibit A.

It must be remembered that on Mr. Reily's own showing, there was really no *need* to show this break, for it was an insignificant hole, five feet long by one foot nine inches broad in a road which according to Saroda Babu is eight foot broad, it was no particular depth and he himself had ridden by it. Unless a man stepped into it on a dark night it would not stop anyone going that road. You only had to go by the side of it. And indeed according to Mr. Reily no one even alleged they had been induced to take another road by the existence of this break for he has recorded in his diary of the 15th September, and so is obliged to swear in this Court that Hosan Ali and Torab Ali could not assign any reason why they went home by the longer route instead of by Guna Mir's road or Ashak Jemadar's road—although if he had really asked them there was no reason whatever why they should not have told him the very obvious facts which he would have seen for himself if he had gone to the places that by Guna Mir's road they would have been walking through water the whole way and that by Ashak Jemadar's road they would have been pulled up by this big break.

Before quitting Exhibit B 24 I should point out that it clearly represents that Mr. Reily "drew the plan" himself. The witnesses' evidence shows that this statement in his official diary is incorrect.

Neither of the police plans (Exhibits A and Aa) at all indicates the route by which the witnesses Hosan and Torab really came to the road east of Ismail Jagirdar's *bari* and as will be seen by a comparison of these plans either with the locale or with Exhibit 5 the parts of them in which Guna Mir's road and Ashak Jemadar's road are shown are all wrong. The only road shown to the east of Ashak Jemadar's road is that which passes round Kalabhanga *dighi* and which is a long way north and east of the route (B, C, D, E, F, G) actually followed by the witnesses.

In fact the only effect and probably the only object of these plans is to confuse one. In the original draft (Exhibit Aa) a lot more roads, even further east than the Kalabhanga *dighi* have been shown: why no one can say for there is no reference whatever to these roads in the evidence—they are not copied in Exhibit A perhaps because it was thought that there might be some limit to Mr. Ezechiel's credulity—that if the police took the witnesses too many miles out of their way he might smell a rat.

Before leaving the subject of these maps I must notice one very extraordinary statement of Mr. Reily's which furnishes the key to a great deal of his evidence. Exhibit 5 as I have already stated, was prepared by the District Board Sub-Overseer and much of it tested by the District Engineer and having been over nearly the whole place (and a great many parts not shown) with this plan in my hand I can say (and I am an old settlement officer and accustomed to plans) that it has been prepared with very creditable accuracy. But when the Government Pleader handed the witness this plan Mr. Reily, after puzzling over it for a long time, was obliged to confess that he could not make out anything from it at all.

The truth, no doubt, is that the only parts of the locality he ever went over personally are the road (much of it outside the limit of Exhibit 5) from Bellew Sahib's *hat* round the Kalabhanga *dighi* to Ismail Jagirdar's and the continuation of that road from Ismail Jagirdar's down to J or K when Mr. Reily would get on to the broad good road known as the Ishakhali road along which even a bad rider would have no difficulty in proceeding to Sudharam. He has probably been trying on the 16th January and possibly earlier to "get up" the locality from the police plans but they would only mystify him and of course his subordinates were not likely to tell him they were all false.

And the fact that Mr. Reily was riding—he passed along all these roads on horseback *vide* his cross-examination by the Government pleader—also seems to explain another remarkable incident, *viz.*, his going round the Kalabhanga *dighi*. Mr. Reily says he went that way because Hosan and Torab pointed it out to him as the road by which they had come. Hosan and Torab deny this. There was really a reason why they should alter their statements if they even had told Mr. Reily they went that way, but there was also no possible reason why they should go that way in preference to the road they now say they took by A. B. C. D. E. F. G. which meets the road round Kalabhanga *dighi* at G, some distance above Ismail Jagirdar's house, and is very much shorter. Yes, the road round the *dighi* is, as Mr. Reily says, a circuitous route, most circuitous, and I can't understand why Hosan and Torap should have pointed it out to him, but I can very well understand why his subordinates, who have had time to learn his ways and his nature, should have taken him along it.

The reason is that between E. and F. there is a break in the shorter road caused by a *khal* (creek) running east and west and bridged by a *tal* (palm tree).

The district Sub-Overseer and district Engineer say that this break is 60 feet long. But from what I saw myself I should say this was an overestimate. The witness Hosan says it is 20 cubits (=30 feet) long. The truth lies between them.

At all events there the *khal* is with the palm tree over it. Now cultivators like Hosan and Torab would think nothing of crossing by this palm tree. I have gone over worse bridges myself, when on settlement work, but Mr. Reily is not an old settlement officer, and I doubt very much if he could cross that palm even on foot, and I am quite confident that the best rider in the world would never get a pony (unless it were a circus pony) across it. Mr. Reily, I may say, is blissfully unconscious of the very existence of this break (*vide* his evidence).

I have no doubt he followed blindly just where Osman Ali and Co. took him. But he won't say this, he prefers to lie: so as to make out that he did his work properly. And he has to lie on oath in my Court, because he has first lied not on oath to his departmental superiors.

Hosan and Torab say they neither pointed out the Kalabhanga *dighi* road to Mr. Reily, nor told him they had been by that route. They are black men, no doubt and ignorant peasants, and Mr. Reily is a white man and a highly paid officer of Government; but I have no hesitation in preferring their evidence to his nor does his perjury make me doubt the truth of their statements on this point or in consequence on other matters more directly bearing on the guilt or innocence of the accused.

As Mr. Reily made many statements by reference to his diaries the defence pleader very properly emphasized the fact that Mr. Reily's statement as to Hosan and Torab taking him round by the Kalabhanga *dighi* was not based upon his diaries and that he must have a clear and distinct recollection of it. But Mr. Reily *has* noted in Exhibit B 24 that "they" (Torab and Hosan Ali) "could not assign any reason why they took a round about road" and he has to invent this story about the Kalabhanga *dighi* road (or more probably has had it invented for him by Osman Ali) because if he had confined himself to the later portion of the witnesses' journey the explanation of their taking a round about road would be too palpable.

The next defence set up for the accused is that the other most important witnesses, Hosan, Torab and Islam made to Mr. Reily on the 12th September statements differing in certain respects from what they say now. In most cases the discrepancies are comparatively unimportant—in no case are they admitted by the witnesses who as to some things flatly deny having told the Police Sahib so and so, in other matters simply say they do not remember having told him so and so. Even if Mr. Reily were in a position to say positively that the men made to him the statement he has recorded (and he admits that without referring to his diary he cannot remember what they said) Mr. Reily has perjured himself so grossly on other points that I should not be disposed to believe him. But I think it sufficient to point out that Mr. Reily admits he does not thoroughly understand the dialect of Bengali spoken in this district and that parts of what he has written were translated to him by his Head Clerk: that he cannot say which parts were so translated, and cannot say with regard to any particular statement that it was not so translated, and that the Head Clerk who alone could say whether he translated correctly, has not been examined.

In disposing of Mr. Reily I have practically disposed of the defences, for Babu R. K. Aich's sheet anchor in the case was the supposed impossibility that a European District Superintendent of Police would lie and when that went the defence went. The headmaster, the zemindar and myself have shown by our finding that we think it quite possible that white policemen should lie—if I had been stationed all my service at Simla or Darjiling or the Assessors had been accustomed to a type of District Superintendent different from those who are sent to Noakhali perhaps we might have thought differently. However, as it is, I certainly think Mr. Reily a liar and I believe the assessors do too or they would not have found the accused men guilty of a capital offence.

The defence pleader has, however, made one really good point in favour of the accused or rather what looks at first a point in their favour. He urges that the Kalabhanga dighi when the witness Ahamadullah parted company from deceased, is only a mile or a mile and-a-half from Ismail's house; that it was at most two *gharis* after sunset when deceased turned off homewards then—and that he would have got to his house or to the place of occurrence by three *gharis* after sunset. If therefore he was waylaid then it would have been at about three *gharis* after sunset, but the witnesses turn the occurrence at six *gharis* after sunset a good hour later (Hosan Ali says four or six *gharis* Torap Ali six *gharis* Islam about a prohar). And Baboo R. K. Aich has urged that Hosan and Torap at all events could not time their arrival earlier, for it was raining up till two *gharis* after sunset, and if they had said they had left Bellew Sahib's hat three or four *gharis* journey from Ismail's house, before the rain stopped no one would have believed them.

Now it would be easy to rejoin that the people of this country, especially of the cultivating class, are not very particular as to time and that even educated people might make a mistake between 8 and 9 p.m. But a far more probable explanation has been suggested by Baboo Tarak Chunder Guha, the Government Pleader. It is, of course, a hypothesis only: for as to what really happened to Ismail between the time when he left Ahmadullah and the time when his cry of *ma-go* was heard by Hasan and Torap there is only one man besides the accused who could have told us and that man is dead.

Babu Tarak Chunder Guha meets the defence pleader's objection by referring to the evidence of the Civil Medical Officer already alluded to. It will be remembered the deceased had a number of minor injuries, but that in particular " the top and right side of the head, the right half of the forehead and the right cheek were generally bruised, and that " on dissecting the scalp " the Doctor found " quantities of effused blood underneath on the top of the head, on the forehead, on both temples and on the right cheek *and also* near the skin *in front and on the sides of the neck.*" And the Doctor says the probability is that deceased was *struck on the head* by some hard blunt weapon or thrown down upon a hard surface (there was a large bruise to the back on the left of the spine) *and* that *his neck was also bruised.*

The Doctor has not said nor has any attempt been made to show that the blow on the head would be immediately fatal. The witnesses do not say that they saw Ismail waylaid or knocked on the head, but merely that they saw him carried along.

Babu Tarak Chunder Guha suggests that Ismail was first waylaid and knocked on the head at some place unknown. After felling him to the ground he would no doubt have been stunned and the accused in the dark would think him dead. Then the Government Pleader suggests, there must have been a consultation as to the disposal of the corpse and finally it must have been decided to throw the body into deceased's own tank, and perhaps, as was afterwards done, to try and get the death reported as an unnatural occurrence and not a murder. All this would take time. Tarak Babu suggests that as they were taking the supposed dead man towards the tank he may have revived and by crying out *ma-go* attracted the attention of Hasan and Torap. The men carrying him then took him into the dark part of the *daroja* and at the place where the Head Constable saw the knee prints and foot prints, flung him down upon the ground and throttled the life out of him. It was after this, when they were bringing up the corpse to fling it into the tank, that Ismail came along by the foot path and challenged them.

The theory is at all events a very plausible one and it is confirmed by the fact that Ismail's body was undoubtedly stripped and rifled before being thrown into the tank. This must have been before the three witnesses Hasan, Torap and Ismail saw it.

From this it will be seen that the very circumstance—the apparent discrepancy as to time which would at first seem to cast discredit upon the witnesses, becomes on closer examination the strongest possible testimony to their truth. For if there was a conspiracy the witnesses would certainly have made the time two or three *gharis* earlier.

One or two other minor arguments have been employed on behalf of the accused as to supposed improbabilities in the evidence, but the assessors have not been impressed by them, and I do not think it necessary to notice them in detail, especially as the judgment is already a very long one.

It is said the witnesses to the occurrence would have appeared before the Daroga on Monday. But Bengali cultivators are not anxious to give evidence in murder cases, and if the witnesses were false witnesses they might just as well have said they deposed before him on Monday instead of selecting a day — Tuesday — and a time 10 a.m. when the District Superintendent of Police had just been to the place (no doubt 10 or 10.30 a.m. in Mr. Reily's evidence is a lie intended to make out he stayed at the place longer than he had and to discredit the witnesses for the prosecution—*vide* the diary (Exhibit L 10) of Osman Ali himself and the evidence of Hosan Ali).

The defence have examined three witnesses to prove that on the date of occurrence the prosecution witnesses Islam and Rajab Ali were at Chur Pagla. One of these witnesses broke down in examination-in-chief and the defence pleader declined to question him further, the other two are obviously false witnesses as a perusal of their evidence will amply show, and the last of them Chand Mir seems to be not the witness originally summoned but another person substituted at the last moment. I think it sufficient to point out that although these witnesses were summoned months ago and the defence have had ample time to get up their case, not a question on this point was put in cross-examination to Islam when he was examined on the 12th January, and it was only on the 14th after several other witnesses had been examined that the defence pleader asked and obtained leave to recall and further cross-examine him about it. The inference (considering Babu R. K. Aich's position at the bar) is obvious that up to the 12th January it was not the case for the defence that Ismail had been at Chur

Pagla, that it was a late after-thought. No doubt the defence witnesses were originally meant to prove an *alibi*, not for the prosecution witnesses but for the accused. It was, however, felt that the ferryman's evidence about the anxiety of Sadak Ali and Aslam to cross over to Chur Pagla would rather spoil that story; so at the eleventh hour it was changed (just after the ferryman's examination) and an *alibi* for the witnesses set up instead.

It is said that the name of the fourth witness is Islam not Ismail, but that Idris named Ismail to Mr. Reily on the 9th September, and it is suggested Islam may have been substituted, and that the man first named was Ismail a near neighbour of deceased.

Idris says this neighbour is an enemy of his father's, and no attempt is made to contradict him. *Islam* is named in the list Idris gave in at the Police office the very day after he called on Mr. Reily, and it is not questioned that the fourth witness for the prosecution is the man who deposed before Mr. Reily on the 12th September. Idris even now calls him *Ismail*, the man himself gave his name as Ismail, though most of the witnesses call him Islam. The truth seems to be that Islam and Ismail are pretty well interchangeable. Of this there has been ample proof in the present trial. In the plan (Exhibit 5) in the Charge Sheet in the examination of the accused by the committing Magistrate and in many other plans the deceased man himself is called Islam and not Ismail. (With regard to the charge, *vide* Section 225 of the Code of Criminal Procedure and Illustration (*d*)—there is no suggestion that the accused have been misled.)

Then it is said that in Exhibit B 4 the third witness is called Hasan Ali (*a*) whereas his real name is Hosan Ali (*o*). But in the *hazira* or attendance list (Ex. B 7) filed two days later (12th September) Hasan Ali is shown, and there is no doubt that Hasan Ali (witness No. 2) was examined by Mr. Reily on that date.

There is really no room for the supposition that any of the witnesses would be substituted or tutored. What motive had anyone to come forward and give evidence on behalf of this poor boy against the all-powerful Osman Ali and his myrmidons among whom Mr. Reily himself must be included? The witnesses for the prosecution were indeed running the greatest possible risk, and this case makes us feel (and though a well-wisher of the people of India. I have sometimes been tempted to imitate Elijah the Tishbite) that there is hope for this country yet.

None of these witnesses—neither the eye-witnesses, the men whom they told just afterwards, the ferryman, the man who saw accused loitering on the road, or any of the subsidiary witnesses has any connection whatever with Idris or his father. Several of them did not even know Idris himself before this case. None of them has any quarrel with the accused. None of them has any grudge against the Police.

From the fact that they have not been cross-examined on the point it may reasonably be inferred that Hasan and Ismail (Islam) who say they are cultivators are at least substantial men of their class and that Tarup Ali is really as he says a *haoladar*, the owner of a petty tenure rather above the ordinary peasant proprietor.

The position of the ferryman has already been referred to. There is no reason for discrediting Rajab Ali or Abdul Aziz. And although Atar Ali is dead and was never examined by a Magistrate, there is no doubt that he was alive when named and that one Atar Ali was actually examined at the Police Office and joined in the petition to the District Magistrate.

As to the witness Islam it may be taken for certain that he *had* at the time a case pending in which Karim Baksh was a defence witness and which has since been compromised. So the story of his going that night to Karim Baksh's is at all events a plausible one.

As to the truth of the case as a whole, there can be no doubt. It remains to consider how far the charge is proved against individual accused.

Of the three eye-witnesses (as Hasan, Torap and Islam may not inappropriately be called) all identified two of the accused, Saduk Ali and Aslam; two, *viz.*, the two witnesses coming from Bellew Sahib's *hat* identify Anwar Ali, while Yakub Ali is identified only by the witness Islam.

Islam named Saduk Ali, Aslam and Yakub Ali to the witness Abdul Aziz (No. 7) immediately afterwards; still this does not remove the possibility of his being mistaken about Yakub Ali. He also says there was a fourth man who might have been Abdul Halim. In one respect this rather supports Islam's identification of Yakub Ali, for it shows he does not name people unless he thinks he really is sure of them, but it also shows that he was not able to make out *all* the four men satisfactorily.

Rajab Ali saw all four men loitering on the road. This may be proof of abetment of murder, but it does not show that Yakub Ali took part in the murder itself, and as his pleader very pointedly remarked that is all he has been charged with.

On the whole, considering the gravity of the charge, I think there is just about enough doubt as to Yakub Ali's participation in the actual murder to justify me in agreeing with the assessors. If it were anything but murder I would convict him. And I may point out that his acquittal on the present charge will be no bar to a fresh trial for abetment of murder, if the Crown considers that the evidence against him (and possibly against some other persons not now before me) justifies such a charge.

As to the identification of the other accused, I do not think there can be any doubt. The witnesses from Bellew Sahib's *hat* approached quite close to them, and with regard to two of the accused they are corroborated by Islam. Against all three of the accused there is the corroboration afforded by Rajab Ali's evidence, although, as already remarked, this does not prove participation in the actual murder.

The night was dark, in the sense that there was no moon, but it is proved beyond question that there was starlight, and also occasional flashes of lightning. As against Sadak Ali there is the further test of his voice; for he spoke to the witness Islam. Hasan and Torap could have had no doubt about the three men, for they named all three to Atar Ali immediately after.

I think therefore that the charge of murder is proved beyond reasonable doubt against all the accused other than No. 4, Yakub Ali.

With regard to the question of punishment, the crime was a cruel coldblooded murder without any redeeming circumstances, an old man being waylaid by a number of younger men and deliberately done to death. At the same time I do not think it necessary or expedient to pass the capital sentence on all of the men convicted. It is to my mind a sufficient justification for the course which I propose to take that I believe it will commend itself to the people of this country. A Judge in my opinion does a very poor service to the administration of justice if by unnecessary severity (or by severity which appears to them unnecessary), he deters juries or assessors from convicting and witnesses from giving evidence. Justice, and especially criminal justice, is not the preserve of officials or of a profession, but the concern of the people at large. Without their co-operation we are helpless. Mr. Ezechiel could have done nothing in this case but for the willingness of the people to come forward with their evidence, and my position in writing this judgment has been immensely strengthened by the fact that I have had both the assessors on my side.

It is most desirable to avoid exciting any sympathy with the guilty, especially with murderers. And if only for that reason, an over-lenient sentence is much to be preferred to an excessively severe one. If people say it is a pity the Judge did not hang all three of these men, that is after all what I want them to say.

Amongst these three men there can be no doubt who is the ringleader. Sadak Ali is not only the oldest, but he is much the biggest and strongest; a more forbidding looking ruffian I have seldom seen. None of the other accused had with the deceased such bitter and long-standing enmity as Sadak Ali had, and as already mentioned he had threatened to "do for" the deceased the very day before the murder.

Not only was it *a priori* likely that he would take the leading part in the murder, but the evidence shows pretty clearly that he actually did take it. It was he who threatened and drove off the witness Islam. It was he who woke up the ferryman. It was he who was seen near the mukhtear's the morning after the occurrence.

As to Aslam and Anwar Ali, I am willing to believe that their part in the murder was a subsidiary one and that their guilt is not of so deep a dye. The only alternative punishment which the law allows is after all a very severe one.

I now turn to the conduct during this trial of the Police of the Chief Civil Officer of this District, and of the Government of Bengal. And the matters on which I now proceed to touch are matters of far graver consequence to the community than the issue directly before me of the guilt or innocence of the four accused. The punishment of Ismail Jagirdar's murderers will not bring Ismail Jagirdar to life; but if that is all that this case brings about, I fear that a great many more of the King's subjects are likely to be murdered. I bring to the notice of the High Court, and I may add of the public, also, certain facts which I think it desirable they should not overlook. For the failure to punish an individual murderer is no doubt a bad thing, but it cannot occasionally be helped—the things which I am now about to mention can be helped; and I hope the public will look to it that they are helped. I can conceive of nothing of greater moment to the public than that their own servants, charged with the protection of their lives and properties, should, when they betray their trust, screen murderers and asperse the chastity of their victim's wives, receive the punishment which they deserve: that witnesses attending a Court of Justice to give evidence in a murder trial should be protected from molestation; or that a Judge, especially when trying men for their lives, should not be liable to be intimidated by executive authority.

With the exception of the Inspector Bharat Chandra Majumdar, all the Police witnesses from Mr. Reily downwards appear to me to have committed gross perjury.

With regard to the Native Police Officers, however, I think it unnecessary and inexpedient to enlarge further upon their offences for the law gives me, if I am not interfered with, the power of applying the appropriate remedy myself. When the remedy is in his own hands, a Judge is not justified in making a clamour. And my Lord Coke says it was an aphorism continually in the mouth of a great sage of the law, "Blessed be not the complaining tongue, but blessed be the amending hand."

I come now to Bharat Chandra Majumdar, the Inspector. As I have already remarked, there is no statement of this witness of which I can feel confident that it was intentionally false. It is also to be recognized that he was placed in a position when telling the truth, may well be counted to him for righteousness—that he was exposed to peculiar temptations to lie. But although I am glad that he has not by committing perjury in my Court aggravated his previous misconduct, I am compelled to draw attention to that misconduct in order that the public may force their servants, the executive authorities, to take due notice of it.

Mr. Reily says that on the 27th August he passed orders, on the First Information Report, to Bharat Babu to supervise the enquiry. The order in question is on Exhibit 25 A. For some reason which has not transpired, Bharat Babu did not, however, go out to the place which as already stated is 3 to 3½ miles from Noakhali till the 30th August; three days after the order was passed and two days after Mr. Reily himself first visited the spot.

Bharat Babu says that he supervised the investigation on the 30th and 31st August, and the 1st, 2nd, 3rd and 5th September. He came back every evening to his lodging at Sudharam (Noakhali).

Bharat Babu's own account of what he did is not very clear. He kept no diary but a personal one which has not been produced. He can't remember whether or not he ever saw the *surathal.* He questioned many people, he says, but he does not remember who they were or what they said—he kept no record of it. He does not know the witnesses Hasan, Torap and Islam, not even now. The one definite statement he makes as to his proceedings during these six days is that he went one day, a market day, to Peshkar's *hat,* which as he says is close to the place of occurrence, and made enquiries of the people there.

As Bharat Babu himself can tell us so little of what he did, let us turn to what the witnesses say.

Idris, the complainant says when cross-examined, "Bharat Babu, the Inspector, came to our village—how many days after Osman Ali I cannot say. I saw the Inspector fishing two or three days in the tank of Abdul Hakim accused. I cannot say how many days he was in the village. The Inspector Bharat Babu one day asked me who I was, and some one said I was the murdered man's son, that is all Bharat Babu ever asked me. I don't remember seeing Bharat Babu in our village more than two or three days. Bharat Babu did not make any investigation."

As already stated Idris petitioned the Magistrate by Exhibit 3 (dated the 5th and filed the 6th September) "that the Inspector of Police sometimes went to the village at the time of the investigation, but the purpose and effect of his going there was best known to him."

Hosan Ali and Torab Ali were not asked anything about Bharat Babu. Ismail (Islam) was. He says (in cross-examination) "I do not know Bharat Babu. I did not tell the District Superintendent of Police of this threat of the Daroga's (to run a bamboo up him)—but I spoke about it to a stout gentleman, who used to fish in the tank of accused (Bharat Babu is stout) "I also told that stout Babu about the occurrence. I don't remember whether I spoke to him on that Thursday (when, the witness says, Osman Ali threatened him) or afterwards but I remember speaking to him at the *daroja* of one of Ismail's tenants who lives to the west where the Babu was fishing."

Abdul Aziz (No. 7) who says he deposed before Osman Ali at Peshkar's *hat* on a market day, stated that he does not know Inspector Bharat Babu, and that when he deposed before the Daroga, he did not see any Government officers present except constables.

Rajab Ali, who also deposed before Osman Ali at Peshkar's *hat* on a market day does not remember the Inspector's being present on that day.

As already stated, Bharat Babu says he never during the whole time he was at the place went over the road to the west of Ismail Jagirdar's house, and yet the supposed probability that Hosan and Torab would go by that road in preference to the one they said they took is made the foremost reason in the final Police Report for discrediting the case against the accused.

When I was a little boy, I had to learn from a book called "Butler's Spelling Book." One of the things in this was "equivalents" English, Latin and Greek. I remember one of these ran.

English.	Latin.	Greek.
Overlooker.	Supervisor.	Bishop.

In this case I do not see what Bharat Babu's supervising amounted to, but I think there can be no question that he overlooked a good deal. And I am constrained to say that the Police Force in this District is in a very bad way, and that we want at Noakhali an Inspector who will overlook a little less and supervise a great deal more.

I now turn to the case of the greatest offender Mr. Reily, the District Superintendent of Police. Mr. Reily is a European British subject and although that does not debar me from trying him myself I am unable under Section 449, Criminal Procedure

Code to pass upon him if convicted a sentence of more than one year's imprisonment. I consider such a sentence to be entirely inadequate to Mr. Reily's offences and both on that account and because I think it desirable for many reasons that the case should be tried by the highest Court in the country, I intend after completing the proceedings preliminary to commitment, to commit Mr. Reily if I still consider there are sufficient grounds for doing so, to the High Court for trial.

I now come to the conduct of the local executive officers during the trial. And I wish first to draw attention to Exhibit X 22, a letter I received from Mr. Cargill on the afternoon of the 31st January while writing this judgment, and to my reply a copy of which is Exhibit X 3. This letter of Mr. Cargill's may of course be private and I have no doubt it was not intended for publication but I cannot but think it unfortunate that he did not wait till my judgment was delivered before writing to me, for it looks to me very much like an attempt to get up a private quarrel with me by way of discounting anything I may say about him in this judgment. As he has written this letter I think it advisable to say that apart from this case I have no animus whatever against Mr. Cargill—no more animus than I had against the executive officers whose misconduct I thought it my duty to notice in the Chupra case.

The trial commenced on the 7th January. It began by the Government pleader applying for warrants against several of the witnesses for the prosecution. On this I recorded the following order.

"It seems that by some negligence the witnesses were not bound down to attend this Court as directed by law. The Government pleader says that the Court Sub-Inspector states that he took no recognizances because he was not ordered to do so. He is a senior officer and should have brought this matter to the notice of the committing Magistrate if an order were required. Let a copy of this order be sent to the District Magistrate with the request that due notice may be taken for the failure to take recognizances. It is the more necessary that I should bring the matter to his notice as the conduct of several of the superior Police officers seem to be very much in issue in this case."

The Court Sub-Inspector I may mention is the immediate superior of the map maker, the Court Head Constable Mohim Chundra Majumdar. It seems to me fully obvious that the Police were determined that if the witnesses did not care to attend from a disinterested regard for justice, no legal compulsion should be allowed to influence them.

My order of the 7th January was duly communicated to Mr. Cargill on the following day, but if he has taken any notice whatever of the failure to take recognizances, he has not informed me of it. Any action he would take against the Court Sub-Inspector would necessarily be taken through the District Superintendent of Police. But Mr. Reily when examined on the 16th, nine days later, says that he does not remember the failure to take recognizances having been brought to his notice. It seems therefore a fairly safe conclusion that Mr. Cargill has neither taken any notice of my order of the 7th ultimo, nor intends to take any.

It appears from Mr. Cargill's letter (Exhibit X 22), and also from Mr. Reily's evidence that on Wednesday the 9th January Mr. Bignell, the Deputy Inspector-General, Police, came to Noakhali for his annual inspection of the Police Office, and that Mr. Cargill went away the same day. It also appears from Mr. Reily's evidence (I had to send an urgent telegram after him to Feni) that on the 15th Mr. Reily accompanied Mr. Bignell to Feni on the latter's departure from the district.

Now it is useless for Mr. Cargill to say he does not know that the Police Office in Noakhali is in a very bad state. *Nescire quod omnes sciunt* is a time-honoured executive device, but if Mr. Cargill were ignorant of the state of affairs before he went on furlough, Mr. Ezechiel has had plenty of opportunity to enlighten him since his return.

And I cannot help saying that it must have been a very strong motive which took Mr. Cargill away from Noakhali just at that particular time—a motive which was sufficient, not only to counteract his desire to confer with Mr. Bignell on the state of the local Police, but to induce him to leave the Police in uncontrolled possession of the station during the trial of a case in which, as I had informed Mr. Cargill officially, the conduct of their superior officers was very much in question.

And although Mr. Cargill's parsimony might account for some of the facts, it by no means explains all. It would have cost Mr. Cargill nothing to take action against the Court Sub-Inspector or to remove Osman Ali from the charge of the Sudder Thana which is in his hands even now and of which he has made use during the trial to impede the course of justice—it would have cost him nothing except a few words to keep Mr. Reily in order during the trial of the case.

The real fact of the matter is that Mr. Cargill would have been very pleased to have this case break down. A fact which has not come out in the evidence, but which is known to me, as it is known to everyone in Noakhali, is that Osman Ali has been at least as much Mr. Cargill's favourite as Mr. Reily's and that it is to Mr. Cargill's favour even more than to Mr. Reily's that Osman Ali has owed his position as uncrowned King of the district—a position which he might be holding even now, but for the fortunate accident of Mr. Cargill's having taken furlough and Mr. Ezechiel having come here to act for him. And this I may say explains if any explanation is required the anxiety of the Police to delay the case if they could only have kept it back till Mr. Ezechiel was out of the way its suppression was reasonably certain.

I do not mean to suggest that Mr. Cargill would have wilfully burked the case. But men are prone not to believe what they do not wish to believe and Mr. Cargill did not wish to believe that this case was true. He told me himself the very night before I began trying it that he should be very much surprised if it stood.

And I am led to mention these matters because it is my conviction that if Mr. Cargill is left here as District Magistrate the difficulty of putting things right will be increased indefinitely. This is the first of three sessions cases committed in Mr. Ezechiel's time in which the Police sent up C Form and Mr. Ezecheil who was here the other day as a witness tells me that one at least of the others is as sensational as this. I have not of course gone into these cases, but think the opinion of the late District Magistrate—who committed one of the cases himself—entitled to provisional respect. As for cases other than Sessions cases the state of the district is sufficiently disclosed by the Government Pleader's cross-examination of Mr. Reily.

The irony of the situation will be appreciated when I point out that Mr. Cargill is the nominal prosecutor in these cases. It is the Crown which says that Osman Ali has burked this case, it is the Crown which declined to call Mr. Reily as not being a witness of truth (and rightly so. I at first had a higher opinion of this officer, I thought that he might have been incompetent and careless but he would at least speak the truth and that I ought not to leave it to the defence to call him but I am bound to admit that Government was right and I was wrong). Mr. Cargill and the Lieutenant-Governor ought in theory to be anxious that these accused men should be convicted, that Osman Ali should be dismissed and that the evidence which Mr. Reily gives on behalf of the defence should be disbelieved. But yet Osman Ali is kept on in charge of the thana within which I am now living. Mr. Reily is still in charge of the district and when I show an intention of prosecuting him for giving evidence which the Crown alleges to be false, the Lieutenant-Governor endeavours to intimidate me!

The very day after Mr. Cargill left the station just after the examination of the eye-witnesses had begun—Islam or Ismail, perhaps in some respects the most important of these witnesses certainly the one who had given most trouble to Osman Ali and Co., was haled off from the Court to Osman Ali's thana by Osman Ali's men on a false charge. After finishing giving his evidence two days later the man complained to me in open Court, and I sent him to my senior subordinate Judicial officer with the paper marked 22 in B file. Babu Lolit Kumar Bose's report is paper 19, etc., in the same file. I extract the following. "Ismail has substantially proved his allegation about arrest, about rough treatment by the constable who arrested him and about his being taken to thana. He has further proved that the town constable Isaf Ali arrested him with full knowledge that he was witness in Sessions case and was in charge of constable Aliwar Choubey when he attended call of nature. . . . The arrest of Ismail could not have been *bonâ fide*."

When these things happen the Chief Civil Officer of the district is absent "in islands" out of reach of post or telegraph. And the person to whom I have to appeal to keep the European District Superintendent of Police within bounds is a native Deputy Magistrate who if he has not really "trembled with awe" at the District Superintendent of Police's frown has probably found it policy to pretend to do so!

I received Babu Lolit Kumar Bose's report on the 15th. The same day the Government Pleader informed me that the witness Ramdhun Barua, whom he next wished to call, had been sent away to Commilla with the D. I. G. and on my sending for Mr. Reily to enquire about this (and also because failing Ramdhun Barua he was the next witness for examination) I discovered that he also had left the station.

I sent an urgent telegram after him to come back himself and bring Ramdhun Barua but had perforce to stop work for the day.

Ramdhun Barua was examined the next day. From his evidence it appears that it was an exaggeration of the Government Pleader's to say he had been sent to Comilla: that he was really sent only to Horis Chandra Bhuya (a place on the Feni Road ten miles out). Mr. Reily when examined disclaimed responsibility for this deputation. The man himself says that Osman Ali sent him and that Osman Ali persisted in ordering him to go though he represented he had to attend this Court. Mr. Reily at first affected ignorance of even the approximate number of constables in Noakhali but had at last to say that there were 35.

As to his own absence Mr. Reily admits that not only did he receive a summons citing him as a witness for the defence but that he paid me an official visit on the morning of the 9th January and that I then told him that I intended to call him myself after the witnesses for the prosecution were examined and that he must not leave the station. His only excuse is that he thought he would get back before he was wanted.

I regret to have to say that Mr. Reily has since done some similar "thinking" until at last I have had to take from him a personal recognizance of Rs. 500.

I mention these and similar pinpricks on the part of the Police and the executive authorities because I am inclined to believe that the object of them is not so much to affect the course of the trial—they only cause a little delay as to irritate me and cause me to use strong language. It is all very well, gentlemen, but it won't work. I had all these tricks played upon me in the Chapra case by Messrs. Maddox, Bradley and Twidell. The only difference that case has made is that I did not mention these tricks then and that I do mention them now.

Mr. Reily was examined on the 16th, 17th and 18th January and the translation of his evidence and the examination of the accused occupied the 19th. On the 20th (Sunday) we had a view of the place of occurrence. That view and the evidence given by the Police witnesses on the following day (20th January) removed from my mind any lingering doubt that Mr. Reily had committed perjury and from the morning of the 22nd January I insisted on his being present throughout the proceedings.

The examination of the witnesses for the defence was completed on the 22nd January. The 23rd January being a closed holiday on account of the Id the case was adjourned for arguments till the 24th.

On the 29th January Babu R. K. Aich addressed the Court and the Assessors for the defence, Mr. Reily being present. As Babu R. K. Aich began laying down the proposition that it could not be thought for a moment that a European of Mr. Reily's position would deviate from the truth I interrupted him and said that Mr. Reily's evidence would have to be weighed in the same manner and scrutinized by the same tests as that of any other witness and that I could by no means accept the theory that because a man had a white face he was incapable of telling a lie.

A letter posted at Noakhali up to 4 p.m. on the 24th would reach Calcutta in the evening of the 25th and would be delivered in the early morning of the 26th.

Babu R. K. Aich closed his arguments on the afternoon of the 24th and the case was then adjourned till the 25th for the arguments of the Government Pleader. As it was the Hindu festival of Sri Panchami on which date Hindus are not allowed to touch pen or do any work after *puja* the trial was held in the early morning and the arguments had finished and the opinions of the Assessors been recorded by 9.30 a.m.

On that morning the Government Pleader exposed with a boldness as creditable as it was rare the tissue of perjuries committed by Mr. Reily who was sitting close beside him. It was with regret, said the Government Pleader, that he said these things but it was his duty to say them and he must do his duty.

The Assessors both found three out of the four accused guilty of murder, and thus by implication, the District Superintendent guilty of perjury: for if Mr. Reily has spoken truth, the conviction cannot be sustained; and if the evidence is good enough to hang Sadak Ali, it is good enough to send Mr. Reily to jail.

The significance of the Assessors' opinion should not be overlooked. They are both Hindus of the classes known as *Bhodralok*, and the reluctance of men of those classes to find accused persons guilty in capital cases is well known: it was put forward a few years ago by the executive authorities as a main ground for abolishing trial by jury. Under the circumstances I am not perhaps going too far in saying that the fact of the two assessors' finding three of the accused guilty in a case when the only possible doubt was whether the Judge would hang *all* the persons convicted shows that these gentlemen must have thought the evidence very strong indeed.

The Assessors gave their opinions shortly before 9.30 a.m.

There is telegraphic communication between Calcutta and Noakhali and also between Calcutta and other places accessible from Noakhali in a few hours.

On the 26th January Mr. Buckland, the Officiating Chief Secretary to the Bengal Government, sent me the demi-official letter marked as Exhibit X 18. The post mark on the envelope in which it came (Exhibit X 19) shows that this letter was posted at Wellesley Street, Calcutta, at or before 1.45 p.m. Wellesley Street is, I believe, the Post Office to which letters from the United Service Club at which Mr. Buckland not only lives but does his work are taken. The time shows that the letter must have been posted between 12.45 and 1.45 p.m.

I shall revert to this letter (which I received on the 28th January) hereafter. In the meantime I refer to certain subsequent proceedings of the *local* executive authorities; whether or not directed from Calcutta, I am not in a position to say. All I can say is that the same mail which brought me Exhibit X 18 may have brought instructions to Mr. Cargill from his executive superiors.

At all events, that very day, the 28th January, Mrs. Cargill began the correspondence with my sister which culminated in Exhibit X 22 and I cannot help suspecting that her husband set her up to do it.

On the 29th January Mr. Cargill sent me officially the letter which is sheet 51 in B file asking if he could take copies of papers as soon as judgment was delivered. Such precipitance on the part of District Magistrates is at all events unusual.

My reply (No. 44 of 30th January) is sheet 53 in B file. It expressly informs Mr. Cargill that he cannot have copies until sometime after judgment is delivered.

On the 30th January I read out my order No. 18 in open Court in Mr. Reily's presence and hearing On the 1st February I similarly read out my order No. 20. Mr. Reily and Mr. Cargill live in the same house (the circuit house) and their officers are within a few feet of each other. On the afternoon of the 1st February I received from Mr. Cargill the letter which is sheet 54 in B file. Paper 56 in B file is my reply.

Although Mr. Cargill is the prosecutor in this case I do not believe that he is afraid the accused will get off, or that it is any such fear which makes him impatient at the slow course of justice. I am rather inclined to the opinion that he is desirous that I should use hasty expressions in this judgment.

On the 4th February I read out in Mr. Reily's presence the order No. 21 postponing delivery of judgment till the 7th. Part of my order runs "let the District Magistrate be informed that I desire that any application he may wish to make to me with reference to this case or to his proceedings during the trial may be made to me through the Government Pleader in open Court." This order was duly communicated to Mr. Cargill.

Two hours after I received from Mr. Reily the letter which is paper 67 in B file. It purports to be sent through Mr. Cargill and though it does not bear his endorsement I cannot help suspecting that it was sent with his knowledge.

The effrontery of that letter coming from a man who must have known that he was about to be prosecuted for perjury, needs no comment. But I suspect the letter was sent under orders, possibly under orders from someone outside this District.

On receiving this letter I sent to Mr. Cargill the letter which is paper 58 of B file.

On the 7th February the next date fixed for delivery of judgment I took from Mr. Reily (who as the order-sheet shows was not in attendance and only came after considerable delay) a personal recognizance of Rs. 500.

Within the last half hour (12th February, 1901) while writing these remarks I have received from Mr. Cargill the letter marked Exhibit X 24 in the envelope Exhibit X 25. It will be seen that both letter and envelope are official and that Mr. Cargill affects to write on behalf of Government. I cannot help wondering what damages the Secretary of State for India in Council would recover in a suit against my grass-cuts for the Government grass which Mr. Cargill alleges they have taken!

From Mr. Cargill and his Government grass I turn to some more important matters. *Paulo majora canamus.*

I have already referred to a letter (Exhibit X 18) from Mr. Buckland, the Officiating Chief Secretary to the Government of Bengal, which I received on 28th January.

I thought over the matter and determined to leave Sir John Woodburn as few loopholes as possible. Accordingly on the 29th January I wired the Chief Secretary as follows:—"Please wire whether your demi-official of 26th was written by order of Government." This telegram was sent State ordinary to Chief Secretary at Calcutta from Sessions Judge at Noakhali.

I received no reply (and indeed expected none). I therefore on the 31st January filed the affidavit of my Peshkar that he had despatched it (paper 15 in B file) and sent the Chief Secretary the following urgent State telegram: "Please wire whether you have received my telegram of 29th concerning your demi-official of 26th.

These telegrams seem to me innocent enough but apparently Sir John Woodburn does not like to answer them, or it may be that Mr. Buckland declined to answer them as directed.

The letter and the telegrams together (or indeed the letter in itself) make it necessary for me to go back a considerable period and to refer to the case of Empress *versus* Narsingh Singh commonly known as the Chapra case.

And I would begin, by soliciting a reference to Exhibit X 26 a demi-official letter from the Chief Secretary dated 1st January, 1901, promising me three months' privilege leave in or about the early part of May. Under the new leave rules, which have come out while I am writing this judgment, I should be allowed and indeed encouraged to add to this privilege leave a certain amount of furlough of which I have 18 months at my credit, and this would carry me on to a time by which Sir John Woodburn must retire. From Exhibit X 27 (demi-official letter from Mr. Bourdillon, Chief Secretary, dated 3rd September, 1900), it will be seen that I have also been promised a transfer to a healthy District. And, although this latter promise is to say the least, a variation of one held out to me in Exhibit X 28 (demi-official letter from the Private Secretary to the Lieutenant-Governor, dated the 12th June, 1900) yet the implied admission that Noakhali is not a healthy District is a distinct advance upon the Lieutenant-Governor's inability to admit "that it is in any sense an undesirable one." And the real truth of the matter is that every day I am kept here makes the position of the executive authorities more untenable and that they would be heartily glad to see me out of Noakhali in any manner consistent with saving their own face. Why I was not transferred in October was, I believe, because it was desired to keep the native papers quiet and avoid inconvenient questions in Council during the cold weather; in fact, I am kept here as a hostage for the silence of the native community.

If, therefore, I bring up the matters to which I now advert, it is not because it is to my personal interest to do so. I only have to refrain from prosecuting Mr. Reily to write a judgment in the style of a Government resolution and everything will be made smooth for me. I shall get my privilege leave, get my furlough, and when I come back I shall be posted to a healthy District. As it is, if I am not dismissed it will certainly not be for want of will on the part of those with whom my dismissal nominally rests.

I think it very necessary, however, not merely to prosecute Mr. Reily, but to expose Sir John Woodburn which I now proceed to do.

On 7th October, 1899, I delivered judgment in the appeal of Narsingh Singh and acquitted the appellant, a man who had been convicted under Sections $\frac{353}{114}$ and 504 of the Indian Penal Code, by Moulvi Zakir Hosain, Deputy Magistrate of Chapra, and sentenced to two months' rigorous imprisonment. The conclusions to which I came were, briefly, that Mr. Corbett, Assistant Superintendent of Police, and Mr. Simkins, District Engineer, had set upon and severely thrashed the appellant for refusing to obey the illegal orders of Mr. Twidell, the Collector-Magistrate, and had afterwards unlawfully compelled him to labour on a bund (embankment), that fearing that he would bring a case against them, Mr. Corbett arrested Narsingh in the Chapra Hospital and carried him off to Mr. Bradley, the District Superintendent, that Mr. Bradley tried to intimidate him into resigning a Government post which he held elsewhere (and so admitting himself to have been in the wrong), that on this failing, the two Police officers took him to Mr. Twidell, the Collector Magistrate, who sent him to *hajat* (lock-up), that a false case was then brought against him by Mr. Corbett; that a mock trial was held before a native Deputy Magistrate of 27 years' standing; that even this man's seared conscience revolted at the task before him, and that he tried to get Mr. Twidell to allow him to let the man off; but Mr. Twidell proving obdurate, he finally gave way and convicted and sentenced the man as described, at the same time dismissing "as utterly groundless" the case of assault and unlawful compulsory labour which Narsingh had brought against the two European officers, and the crucial facts of which the latter had to admit on oath when cross-examined in his Court.

Under Section 417 of the Criminal Procedure Code and Schedule II., Article 157 of the Limitation Act XV. of 1877, it was open to the Local Government to appeal against my judgment at any time within six months from the 7th October, 1899. No such appeal was ever presented, nor has any serious attempt ever been made to question the correctness of any of the findings of fact contained in the judgment.

There was the less reason why the Local Government should have hesitated to appeal to the High Court, as two of the Judges composing that Court have and had, for reasons entirely unconnected with the case, a strong personal animosity against myself. These two Judges are Messrs. Rampini and Stevens. The grudge which Mr. Justice Rampini has against me is that stated in my second letter of 31st December to the Chief Secretary (of which Exhibit X 14 is a copy), of which Sir John Woodburn thought to make the fulcrum to turn me from prosecuting Mr. Reily. The grudge Mr. Justice Stevens has against me is well known to the High Court, but is not so well known to the general public—whose servant I am and for whom this judgment is written. It is that in an official letter No. 1112, dated the 21st August, 1899, to the address of the Registrar, which letter I insisted should be laid before the English Committee of five Judges, I made the fact that Mr. Justice Stevens desired a particular Government appointment for his son in the Police a ground for my objecting to his deciding a certain personal matter in which my interests conflicted with those of the Executive authorities who had the gift of that appointment in their hands.

The Executive authorities, from the Lieutenant-Governor downwards, did everything in their power to prevent the true facts of Empress *versus* Narsing Singh from coming to light. The Commissioner of Patna, Mr. Bourdillon, C.S.I., who, it was well known was about to be made the Chief Secretary, the man to whom a Sessions Judge has to write for leave to go to Calcutta to meet his sister, wrote to me demi-officially to hush up the case; and before this demi-official letter was sent me, the Legal Remembrancer had, as Sir John Woodburn, K.C.S.I., himself admitted to me on 10th December, been consulted with a view to prevent the appearance before me of the guilty officials from whom alone the extraordinary illegalities which took place during the trial could be elicited. (In this country the only people who will come forward to give evidence against officials in a case of this kind are those who do not mind their houses being burnt, their crops looted, their relatives turned out of Government employ, and themselves and the members of their families dragged up on false charges and sent to jail. Small wonder that Lord Curzon and his advisers object to their officials being "put on oath to criminate themselves." It is the only way they can be criminated at all. And it is Lord Curzon, not the High Court, which calls my action in this matter an abuse of the liberty of enquiry; the High Court were wanted to say that but refused. The penultimate paragraph of Lord Curzon's Resolution is as artistically worded as the last paragraph of Mr. Reily's report).

While writing my judgment in the Chapra case I had received from Mr. Bolton, the then Chief Secretary of the Government of Bengal (in reply to a telegram of my own), a telegram informing me that, on relief by Mr. Anderson, I was to stay on at Chapra as Additional Judge. In due course a notification to that effect, dated 9th October (1289 A. D?) appeared in the "Calcutta Gazette" of the 11th October.

By the mail of the same day (9th October) a copy of my judgment was forwarded by me to the Chief Secretary to Local Government. In the ordinary course it would have reached him at Darjeeling on the 14th or 15th October. On the 16th October the

Chief Secretary wired to me that I was appointed to be Judge of Noakhali, and that a Mr. Fisher (then Deputy Commissioner of a non-regulation District) was to relieve me as Additional Judge.

On the 20th January, 1900, the Lieutenant-Governor was asked the following question in the Bengal Legislative Council by the Honourable Babu Surendro Nath Banerjee:—

"Whether there is any foundation for the statement which has been made that Mr. Pennell has been transferred owing to his judgment in the Chapra case. If not, will the Government be pleased to state the circumstances of the transfer?"

In reply the Honourable Mr. Bolton said "Mr. Pennell was transferred in the course of official changes, and the order appointing him to Noakhali was passed before the Government saw his judgment."

I am indebted to a gentleman of considerable standing in the mercantile world at home who has recently been staying with me for the criticism that "that reply is what we call a commercial statement. It's when you are asked an inconvenient question and don't like to tell the other man a direct lie, but want to put him off."

It no doubt may be and probably is true that Sir John Woodburn himself had not seen my judgment on the 16th October. But I have also no doubt that his Chief Secretary had not only seen it but had acquainted him with its purport.

Not only was Government aware of the case before the judgment was pronounced, not only was there ample time for the copy of the judgment sent from my office to have reached the Chief Secretary, but I am also able to prove that the Local Executive officials showed the same feverish anxiety to get copies which Mr. Cargill has shown in the present case. The pencil writing at the head of Exhibit X 29 is Mr. Twidell's: it shows that he wanted a copy of the judgment before 3 p.m. on the 8th October. Three p.m. is the hour when the Chapra mail for Patna, Calcutta and Darjeeling is closed. Exhibit X 30 is a later letter on that same day from Mr. Twidell himself. "He understands," says Mr. Twidell, that "judgment was given yesterday, and he should be glad to know what difficulty there is in the way of his having a copy." The 8th October, I may add, was a Sunday. I can carry the matter a little further. Mr. W. C. Macpherson, the permanent Collector—Magistrate of Sarun (Chapra) who arrived at Bombay on the 10th October, told me and indeed seemed to make it a grievance against me that he found a telegram awaiting him from Mr. Bourdillon, the Commissioner of Patna, directing him to come on to Chapra at once, whereby he lost several days' holiday which he had intended taking. The Commissioner of Patna, the Chief Secretary elect, was, it is evident, very much alive to the situation even on the 10th October and I find it difficult to believe that he did not acquaint his *pro tem.* master with it before the 16th.

Further, it appears from the letter which I received from Mr. Huda that he got intimation of his transfer from Noakhali at the same time as my appointment then appeared in the Gazette, and Mr. Fisher, the Deputy Commissioner of the Santhal Parganas, was equally taken by surprise. From his letter dated 20th October from Naya Dumka (Exhibit X 31) it further appears that "Bolton" had written to him to proceed to Chapra as soon as possible."

Although Mr. Bolton was so anxious that I should be relieved at Chapra, he did not for some time further show any particular anxiety that I should quit that place, and under the Regulations I was entitled to nearly a fortnight's joining time even after making over charge. It would seem indeed that, although the Government had made up their mind before seeing my judgment to send me to Noakhali they did not make up their mind for some time after what to do with Mr. Huda, who was already Judge there.

I have indeed little doubt that at this time Government imagined that they could bury the scandal (which be it borne in mind was not in Bengal, but in the most remote district of Behar) without any difficulty. I no doubt had to be punished for my insolence in disturbing them, but no further notice need be taken of the case.

On the 26th October, however, my judgment appeared *in extenso* in the "Amrita Bazar Patrika," one of the most powerful organs of native opinion in the country and from that date to use an expressive colloquialism the fat was in the fire. The "Amrita Bazar Patrika" of 26th October would, in the ordinary course, reach Darjeeling in the afternoon of the 27th. On the 28th Mr. Bolton sent me a telegram to "join early at Noakhali on being relieved" and followed it up by a demi-official letter (Exhibit X 32) of the same date. It will be seen that Mr. Bolton himself created the necessity to which he refers for my proceeding early to Noakhali.

The reasons for this urgency were, I believe, two; first, that Mr. Bolton (or his master) was apprehensive of what I might do in Calcutta on my way through; secondly, that they feared that after public attention had been drawn to the matter it might be difficult for Mr. Macpherson to delay much longer taking action on the complaint of Narsingh *versus* Corbett and Simkins, in which I had directed him on 7th October to make further enquiry.

By arrangement with Mr. Anderson, I managed to stay on some days at Chapra even after Mr. Fisher's arrival and did not make over charge and leave the place till the afternoon of 3rd November. No sooner was my back turned than Mr. Macpherson summoned not Messrs. Corbett and Simkins, but Narsingh Singh, and having subjected him to a lengthy cross-examination, again dismissed his complaint (on the 7th November) on the ground that "granting that Messrs. Corbett and Simkins were not warranted in beating the complainant or in forcing him or attempting to force him to work against his will, I consider it inexpedient in this case, considering all the circumstances that they should be made to stand a trial in a Criminal Court for what they did.

In an earlier part of his order Mr. Macpherson states that "It appears clear to me that the two accused persons, who are public servants, acted in the belief that it was their duty to do all that could be done, to effect the repair of the embankment, and that due and sufficient notice can be taken by their departmental superiors of actions on their part which should not have been taken."

It does not appear, however, that Mr. Macpherson took any steps to secure that due and sufficient notice or any notice at all should be taken of the matter by the Departmental superiors of the officers involved. It was well known to Mr. Macpherson, that one of them Mr. Simkins was the servant not of Government but of the District Board of Saran, a body mainly composed of indigo planters. Mr. Macpherson is himself the brother (and I believe the son) of an indigo planter, and must have been well aware of the sort of notice a body composed of such men would be likely to take of Mr. Simkins' conduct. So far as I know, the only action which Mr. Simkins' departmental superiors have taken against him is to raise his pay. In the meantime what had the authorities been doing?

The Bengal Government must have got my judgment on the 14th or 15th October. They have never even alleged that they took any action upon it then or for long after. No sooner had he published the judgment than Babu Mati Lal Ghose, the veteran patriot who edits the "Amrita Bazar Patrika," sent a copy of it to Mr. W. R. Lawrence, the Private Secretary to the Viceroy. Copies were sent by that mail (though the executive authorities knew nothing of it) to many influential people in England.

For nearly a month Mr. Lawrence (or his master) did not find it convenient to acknowledge Babu Mati Lal Ghose's letter. (They have acknowledged and acted on many of his letters before.) It may be nothing but a coincidence, but about the same time as the copies sent by Babu Mati Lal Ghose would be received by their addressees in England, Lord Curzon suddenly woke up to the necessity both of taking action and of acknowledging Babu Mati Lal Ghose's letter. So on the 20th November, 1899, a letter No. 1651—never yet published—was sent to the Government of Bengal, and about the same date Mr. Lawrence sent Babu Mati Lal Ghose a reply, stating that "His Excellency's attention had already been drawn to the case," and thanking him for his letter.

I must however take upon myself to correct a statement of Lord Curzon's (he has had his resolution sent to me, so I suppose—of course from a judicial officer's point of view it is so much waste paper he expects me to notice it—in paragraph 6. It is there stated that as soon as Mr. Pennell's judgment was brought to the notice of the Government of India, they requested the Bengal Government to furnish them with a full report upon the case." This is not so: Lord Curzon took action about such time as his attention would have been drawn to the case *from England* but not till nearly a month after his attention was drawn to it *from India.*

Sir John Woodburn at all events was not yet prepared to despair. Shortly before the end of November it was intimated to Babu Mati Lal Ghose by Mr. Bolton that newspaper agitation would do me harm, and that the whole matter of my transfer was under consideration. Babu Mati Lal Ghose consulted Mr. P. L. Roy, the eminent counsel who was looking after my interests in the matter, and on his advice stopped for a time writing about the subject. He reproduced in his paper, at that time the purport of the semi official communique. Then followed (not, I will ever believe, without previous conference with Lord Curzon) the descent of Sir John Woodburn upon Noakhali. The pretext for this was I believe the improvement of the jail: it is a strange fact that the decision arrived at was that the jail did not require improving. It deserves note that this was the second time in history that "your very beautiful but somewhat secluded station" (His Honour's speech in Durbar) has been honoured by the Lieutenant-Governor's presence.

In the early morning of the 10th December, Sir John Woodburn, K.C.S.I., Lieutenant-Governor of Bengal, with his Chief Secretary, the Honourable C. W. Bolton, C.S.I., his Commissioner, Mr. Collier, and his Private Secretary, Major J. Strachey, arrived at Noakhali. All other durbaris including my senior Munsiff, Babu Lalit Kumar Bose, having been sent away, I was sent for into a private room apart from witnesses, and then the Lieutenant-Governor had with me the interview which I now describe.

It should be noted that I had not sought this interview or any other interview with Sir John Woodburn. Indeed I had been advised by Mr. P. L. Roy not to broach the subject of my transfer or to allude to it in the most distant manner, but to treat the Lieutenant-Governor and his followers as if nothing had happened. From the Circuit House, where Sir John Woodburn delivered himself, I walked direct to my Court where he was shortly expected, and then and there wrote down on a piece of paper and with a pencil with which I had provided myself beforehand notes of his conversation.

Those notes are Exhibit X 33. They necessarily do not contain everything: by the mail of the same day I sent a detailed description of the interview to Mr. P. L. Roy in Calcutta and from his letter dated 17th December, I gather that he received my letter in due course of post.

So far as I remember, the only important omission in the notes (which will be found in the letter) is Sir John Woodburn's statement that the Chapra case was a trumpery case. This was made when I took him aback by shewing him that I knew that he himself had tried to hush up the case. Sir John Woodburn began by asking me whether Mr. Bolton had spoken to me about my transfer. I said no, Mr. Bolton had said nothing to me upon the subject. Sir John Woodburn then said, "you will be glad to hear that *I had not read* your judgment when I passed the order for your transfer." He then went on, "Having said that I will tell you that reading your judgment I have grave doubts whether you are fit for judicial employment. The Judicial Officers are my officers just as much as the executive officers and I want them to do well. Mind: I am speaking for your benefit and for your guidance. Reading your judgment leads me to doubt whether you are really so impartial as you should have been. The vindictive rancour with which you pursued the Policeman and the District Officer makes me think you must have had some quarrel with them."

On this I interrupted His Honour and asked whether these Officers themselves alleged that I had any quarrel with them. Sir John Woodburn rejoined "I have not seen the Policeman or the District Officer *and have received no communication from them*. I can only say that reading your judgment as a perfectly impartial man I have doubts as to your impartiality."

On this I retorted that other people took different views of my judgment—that a friend of mine, to whom I had shown it just after delivering it, had told me that a judgment like that was worth two National Congresses.

Sir John Woodburn replied that I must admit that a friend was hardly the best person to pass an opinion on my judgment, that he was a perfectly impartial man and that I must admit he was in a better position to form a proper judgment.

I rejoined that I doubted if he were really as impartial as he said that as head of the Executive he would naturally not like it to be believed that his Executive Officers had done wrong, and that I knew his Government had done all they could to prevent the truth coming out.

On this Sir John lost his temper and said "My government! Be careful Pennell, you had better be careful what you are saying!"

I said "Well at all events I know this much, that you consulted the Legal Remembrancer as to whether the witnesses would appear before me and it was only when Handley told you of course they must that you gave way."

Sir John replied in great heat "Yes, and I had every right to consult the Legal Remembrancer. It was a trumpery case and you were calling witnesses from all over the Province."

I replied that except Corbett all the witnesses were in Chapra and that an Assistant District Superintendent of Police did not matter.

Sir John then showed signs of a desire to rise and cut short the interview. He said that he had a great deal to do. I stood in front of him and said "What you have been saying to me sounds very much like a threat. Have I your permission, if I be so advised, to represent the matter to the High Court"?

Sir John replied emphatically, "No I am not going to enter into a discussion with the High Court. It is my business to say where my officers can be most usefully employed. The Judicial Officers are my officers and not those of the High Court. I am speaking to you privately."

I rejoined that as a Judicial Officer I was bound to follow my own opinion and not his as to the way in which I dealt with cases. He rejoined "Well, at all events, Pennell, you must admit that your judgment was very long. If you had simply acquitted the man and not commented on the Executive Officers, no one would have minded." I replied that my judgment was full of facts and that there was very little comment in it. On this Sir John Woodburn said "Any other Judge but you would have disposed of the case in two pages" and with these words left me and passed on into the room where his followers were awaiting him.

During the time this conversation was going on Mr. Collier, the Commissioner, was, if I am not mistaken patrolling the circuit house, on the other side. This may have been and very likely was a mere coincidence, but it may also have been by preconcerted arrangement to prevent any outsiders from overhearing the conversation.

Sir John Woodburn departed and shortly after his return to Calcutta Babu Mati Lal Ghose was ordered by Mr. Bolton to publish a demi-official communiqué to the effect that my transfer to Noakhali had been decided long before the Chapra case. When the lying has to be done for them, "Government" do not stop short at "commercial statements."

What I have never been able to understand is why that communiqué was not sent to Babu Mati Lal Ghose for publication before instead of after Sir John Woodburn's visit to Noakhali.

The explanation which I suggest to the High Court and to the public whose servant I am is as follows:—

That the Governments of India and Bengal had not up to this date, two months after my judgment, taken any action in the case, or at all events had not taken any steps which they could not retrace. That Sir John Woodburn persuaded Lord Curzon to let him try one last shot at hushing up the matter—no doubt he could have very truly assured the Viceroy that he had assisted at the hushing up of worse things in the North-West (I have no doubt from *his* point of view *it was* a trumpery case). That it was hoped by intimidating me to silence the native press, or more probably that if I had shown any disposition to give way, terms would have been made and I should have been given a good District as the consideration for the native papers dropping the whole matter.

It is noteworthy that up to the 10th December Sir John Woodburn had not received any explanation from Mr. Corbett (I suppose he was meant by the Policeman) or Mr. Twidell, and I suggest that up to that date he had not called for any, though it appears from the Government Resolution that by the 2nd January, 1900, Mr. Twidell's explanation as well as Maulvi Lakir Hossain's had been received and considered.

The orders of the Government of Bengal were not passed till the 2nd January, 1900, the day after the holidays, and when it must have been clear to "Government" that I did not intend to avail myself of the opportunity afforded by the Christmas holidays of making any overtures to them.

I would invite the High Court's special attention to Exhibit X 28 (the letter from the Private Secretary dated the 12th June). It seems to me relevant to point out that between the time when my letter of 21st May would have reached Darjeeling and the 12th June there was time for a reference to Simla.

With regard to certain statements in that letter as to admissions of my own it is not perhaps really important what I have admitted or not admitted. The important thing is not my conduct but that of Government. But I think in justice to myself, I may be permitted to point out that my letter (which should be in the Lieutenant-Governor's hands) was an autograph one and does not contain the admissions set forth in Major Strachey's letter. If I have really admitted that I decide cases partially, why do they keep me on as a Judge? I do not believe that they pay me £2,000 a year because they are fond of me.

The explanation which I suggest of Exhibit X 28 is that the Executive authorities thought that they had got me down and imagined that it would be not only *safe* but profitable to insult me.

The statement in Exhibit X 28 that the Lieutenant-Governor told me in December that my appointment to Noakhali was arranged long before he ever heard of the Chapra case is false, and the explanation which follows is, I believe, equally false. My appointment to a lighter charge would not necessitate my removal from Chapra; the appointment of Additional Judge *was* a lighter charge. If I had done anything which merited punishment it is certain that no consideration for my feelings would have led the Lieutenant-Governor to suppress the cause of my appointment to Noakhali when questions were asked about it in Council. If my appointment to Noakhali had been arranged long before Messrs. Huda and Fisher would have been informed. But the real reason why the Lieutenant-Governor could not put forward publicly in January the lie which he has put forward demi-officially in June is that Mr. Justice Ghose would have been prepared to contradict him.

It is perfectly well known to the Chief Justice and other Judges of the High Court that a heated discussion was held by the English Committee on receipt of my letter No. 1112, dated the 21st August, 1889, and that Mr. Justice Rampini (whom I had then also objected to as an arbitrator) proposed that recommendation should be made to Government for my reduction. He was, however, overruled by the Chief Justice and Messrs. Ghose, Hill and Wilkins, who held the opinion that, although I had been less economical of the truth in my letter than decorum required, it would suffice to tell me that I must not do it again. And that sentiment was accordingly conveyed to me in the Registrar's letter No. 2424, dated 7th September, 1899.

There were several reasons why the High Court would not at that time have consented to my appointment to Noakhali. First and foremost was the state of my health, which I had prominently brought before them. It was known to the High Court even then, although Sir John Woodburn did not discover it for a year afterwards, that Noakhali was an unhealthy district; and I had submitted to them not only the certificate which Dr. Ash gave me when I applied for medical leave at Mymensingh (Exhibit X 34), but also two later certificates from the Civil Surgeons of Champaran and Saran (the latter the Captain Maddox who figured in the Chapra case and against whom I am said to have had animus). These certificates Exhibits X 35 and X 36 represent me not as an idler, but as a man struggling hard to do his work against ill-health, and attending Court contrary to the advice of his medical attendants.

But indeed Sir John Woodburn himself does not say I was sent to Noakhali as a punishment, it was only because I had to be appointed to a lighter charge. I represented to Sir John Woodburn in October last that the work at Noakhali was really heavy, as there was no Subordinate Judge and every other District had one: he said that he was sorry I had found the work heavy: he has not however taken any steps to make it lighter. This much however is certain, that an additional Judge will now be required here for at least six months and thereafter a permanent Subordinate Judge.

Exhibit X 37 is a demi-official letter, dated 5th October, from Mr. Bourdillon. It states that the Lieutenant-Governor has definitely decided to give me no assistance in effecting an exchange (what I asked for was not an exchange, but a transfer) to another Province.

It refers to an interview which I had with Sir John Woodburn on 2nd October. I took advantage of Mr. Bourdillon's confirmation as Chief Secretary to ask him (on 29th September) to help me to get a transfer. Mr. Bourdillon showed what seemed to me a genuine willingness to assist me and said he would speak to Sir John Woodburn about it. And I arranged with Mr. Bourdillon to call on Sir John Woodburn on the 2nd October. As Sir John Woodburn raised objections, I avowed to him that the real reason why I wanted to get a transfer was that I did not wish to serve under a man who believed that I was not impartial and had threatened to dismiss me. On this Sir John Woodburn said that he remembered very well what I meant, and that he had spoken as he had because he had had a very bad report about me from Burma, and really did not know how to employ me.

Now I left Burma at the end of 1894 (to be precise on 1st January, 1895), whether I then did good or evil seems to me apart from the point: whatever reports the Bengal Government had before them in December, 1899, they had before them in February, 1895, when they appointed me a Sessions Judge in September, 1897, when they appointed me to the charge of the most important sessions division in those provinces. And it seems to me clear that whatever the executive authorities may now say as to my misdeeds in Burma, what they really object to is not my having done wrong then but my doing right now.

From Sir John Woodburn I went to Mr. Bourdillon and told him of my failure and asked him to renew his efforts. This I did for two reasons: first, because Mr. Bourdillon had tried to put the transfer on the ground of my health, and get me a better climate (the North-Western Provinces or Central Provinces) but secondly and mainly, because I could not feel sure even of him and wanted something in writing. Why I really wanted a transfer was that once I was out of Sir John Woodburn's clutches, I would have been in a better position for laying my grievances before the Secretary of State (and ultimately before Parliament) and I may say that I have always regarded the public aspect of this matter as a great deal more important that the private one and have resolved that whatever might happen to myself, Sir John Woodburn should not go unpunished, if I could help it, for his impudent attempt to intimidate an English Judge.

This ends the history of the Chapra case, so far as I am concerned: but I also think it my duty to lay before the High Court in their judicial capacity certain parts connected with that case, which they have hitherto in their extra-judicial capacity "supervised."

Narsingh Singh's complaint against Messrs. Corbett and Simkins, the truth of which is admitted by those persons themselves, was illegally dismissed by Mr. Macpherson. Mr. Macpherson has been since appointed to officiate as a Commissioner.

Mr. Corbett was nominally punished with the stoppage of his promotion for one year. No sooner were the Government orders issued that he was transferred from the undesirable station of Backergunge to Ranchi, which is well known as a sanitarium and he has remained there ever since. Further, the last civil list shows that he has been put back over the heads of all the Police officers of his year, with the exception of Mr. Justice Stevens' son, who were confirmed before him.

"An expression of the Lieutenant-Governor's severe displeasure" was conveyed to Mr. Bradley whose conduct in the opinion of the Governor-General in Council "amounted to little short of persecution and was a flagrant abuse of the authority with which as a Police officer he was entrusted." Between the first and the second of these verbal castigations Mr. Bradley was appointed to officiate as District Superintendent of Police of Muzafferpur, the prize district of Bengal, in succession to a very senior officer who is Mr. Bourdillon's brother-in-law and there Mr. Bradley has remained up to date. A good many of us would rather like this sort of punishment.

Mr. Bourdillon has been first appointed to officiate and has since been confirmed as Chief Secretary to the Bengal Government.

I was refused leave last year though in bad health. Messrs. Twidell and Zakir Hosain were granted leave on full pay (though so far as I know in good health) and were allowed to join it to the Puja vacation, an extraordinary concession, not admissible to Judges even of the High Court.

Mr. Bolton has been promoted to a seat upon the Board of Revenue.

Sir John Woodburn is still the Lieutenant-Governor of Bengal and I am still the Judge of Noakhali.

Mr. Twidell and Maulvie Zakir Hosain are still administering injustice at Chapra, with powers to try men summarily and inflict three months' rigorous imprisonment without any appeal. Babu Jagannath Sahay, the pleader who championed Narsingh Singh, has had to remove his practice elsewhere.

These matters will show the High Court and the public the good or bad faith of the executive authorities of the Government of Bengal and of the Government of India.

They will also show—and this is their relevance here—the meaning and point of Exhibit X 18, for they show what the independence of the judiciary in India really amounts to.

The mills of God grind slowly but they grind exceeding small, and I cannot but regard it as a very special dispensation of His Providence that the action of the executive authorities in this case has enabled me to represent these matters in such a manner that the High Court cannot avoid, even if it wished, taking judicial notice of them.

With regard to Mr. Twidell and to Moulvi Zakir Hosain I would point out that the case of in *re* Ganesh Narayan Sallu (Indian Law Reports, 13, Bombay, 425) shows that the High Court has power to secure the removal of dishonest Magistrates. The High Court in that case abstained from compelling the Bombay Government to do its duty, only because the needful compulsion had already been applied by the Secretary of State.

As for Sir John Woodburn's treatment of me, I confront the High Court with this dilemma—either I am not telling the truth, in which case I am not fit to try the King's subjects for their lives, or I am telling the truth, in which case Sir John Woodburn is not fit to be employed in the King's service.

I now come to Exhibit X 18 which as I have said was sent to me as soon as Sir John Woodburn got to know that I was likely to prosecute Mr. Reily.

Section 477, sub-section (1) of the Code of Criminal Procedure runs as follows:—

"Subject to the provisions of Section 444, a Court of Session may charge a person for any offence referred to in Section 195 and committed before it brought under its notice in the course of a judicial proceeding and may commit or admit to bail and try such person upon its own charge."

The Code says *may*; not that I *shall* prosecute Mr. Reily for his perjury and forgery but that I *may* do so.

But "may" as the Legislative Councils have found has a way of meaning "must" in such cases. The discretion which I have to exercise is not an arbitrary but a judicial discretion. In deciding whether or not I should prosecute Mr. Reily, I ought not to allow myself to be influenced by such considerations as his being, or having been, a personal friend of mine: or that the Local Government will be pleased with me if I let the matter drop—"supervise" Mr. Reily's crimes or that it will be the worse for me personally if I don't let it drop. The only thing I have to look at is not "prestige" not "policy," but whether or not the prosecution is expedient in the interests of justice. And this is a question which admits of but one answer.

What the Government want is that I shall allow my judicial discretion to be guided by their executive will. I decline to do anything of the sort. If I had asked, as Sir John Woodburn anticipated, that my imputation upon Mr. Rampini should be withdrawn, I should have had to wait for the Government answer just as I am now waiting for the Government answer to my telegrams. Sir John wished me to write my judgment and to decide about Mr. Reily with the "imputation" hanging over my head.

But I am no more afraid of Mr. Justice Rampini than I am of the Lieutenant-Governor. Mr. Rampini has long been stabbing me in the back and I am glad to get an opportunity of meeting him face to face. I may be doing him an injustice, but a gentleman very much like him ran away from me at Tollygunge on the afternoon of the 1st January last.

What I have to say about the imputation is that it is true. I give a few facts. Mr. Rampini and his friends can have more if they please.

Early in 1898 Mr. F. S. Hamilton, C.S., who was my Additional Judge at Mymensingh, sought my advice with reference to a tea syndicate in which he told me he had already lost over £1,000. The principal papers relating to this Syndicate had been printed and he laid them before me.

It appeared that about the time of the tea boom an enterprising individual named Sawyer—now I believe removed to a wider sphere of activity—thought to relieve the British public of some of its superfluous cash by floating a rotten tea company. With this object he formed a Syndicate. Some of the members contributed experience. I think that was all Mr. Sawyer brought into hotchpotch, some names, Mr. David Yule gave land and other members (among whom was my unfortunate friend) provided money. Further (and this was the worst of all) the syndicaters bound themselves jointly and severally to go on contributing rateably *ad infinitum* as a majority of the syndicate might decide, which was a little hard upon those members who had to contribute money and not experience, especially as the voting was not confined to them and in practice the control was out of their hands.

I forget the name of the Syndicate, but the agents were Messrs. Andrew Yule and Co., and among the members were Messrs. David Yule, C. de C. Richards, E. S. Sawyer (none of these gave money), F. S. Hamilton, a Dr. Murray (I believe the gentleman who has just discovered a new way of settling old differences) and the Honourable Robert Fulton Rampini.

There was no question as to the rottenness of the whole thing. Mr. Sawyer openly referred to it in his letters (printed) to his confederates as "our company made to sell"; but it was hoped that by judicious "salting" a profit might be shown for a year or two and the whole thing turned over to the British public, with no doubt the Honourable Robert Fulton Rampini, M.A., I.C.S., Judge of the High Court, Calcutta, figuring prominently among the Directors.

Unfortunately, however, the British public were not taking any tea or tea shares just then, and Mr. David Yule, in announcing the decision of his firm to have nothing more to do with the Syndicate, playfully consoled the members by telling them that he would make them a present of the land!

It was at this juncture the question being whether he should pay more money that Mr. Hamilton came to me. I told him that, so far as I could see, he had made himself legally liable to pay whatever a majority of the Syndicate ordered him to pay; but that I thought he might safely decline, for the thing was so bare-faced a swindle that they would never dare to take it into Court. I said Mr. Rampini for one would give anything to hush the matter up.

Now Mr. Hamilton has not told me that he repeated this to Mr. Rampini. But he has told me that he went and saw Mr. Rampini in connection with the syndicate after his return from privilege leave, and that Mr. Rampini told him I was quite mad. Mr. Hamilton has not, I believe, lost any more money in the syndicate, but Mr. Rampini has lost no chance of doing me a bad turn in the High Court.

It may of course be said that all this was perfectly legitimate speculation on Mr. Justice Rampini's part; but the difference between, say, Mr. David Yule and Mr. Rampini is that one dealing with the former knows what he has to expect. It is like betting at Monte Carlo. You know that the chances are against you: but if you choose to take them the management are ready to oblige.

The reason why it is undesirable that people like Mr. Rampini should take part in these things is that most people are fools and are led by names. Mr. Rampini knows nothing about tea growing, has no qualification but greed of gain for a seat on the Directorate of a Tea Company. But owing to his predecessors in the High Court, he possesses a more or less valuable asset in his title and name. And it is a pity he is not above selling them.

When the old established wine and whisky business of B. Smyth and Co. of Calcutta was turned into a limited company with a High Court Judge as Director, I withdrew my deposits. But I doubt if many other people did. The company has not failed yet. But some of the shareholders, I understand, have been using language which is positively rude.

I need hardly, however, enlarge upon guinea pig Judges seeing that the public has just had the spectacle of a guinea pig Viceroy. The "Outlook" of January 12th, has some remarks upon the subject which seem not inapposite. "The appalling thing is that men of very high standing can sell themselves . . . for what they must suspect can be no other object than to act as the gilded bait for miserable gudgeons among the public. Is it worthy or honest, is it not contemptible and paltry to put the best face upon it?"

There can be no question that Exhibit X 18 was written under orders. I have no doubt Mr. Buckland has or had the draft sent him by Sir John Woodburn. It is written on Government paper and in a Government envelope, and bears a service stamp. Mr. Buckland has franked it and corrected the "Under" Secretary into "Officiating Chief."

The passage in my second letter of 31st December (of which Exhibit X 14 is a copy) did not escape Mr. Buckland's attention. Of course if he is told to copy out Exhibit X 18 he has to do so. But Mr. Buckland knows that I know that the expression is incorrect and that the story of the passage turning up again is a commercial statement.

Mr. Buckland and I lived together over the Currency Office, 11 years ago. It may be owing to that circumstance that he received me on the evening of the 31st December in his shirt. He told me he had read my covering letter and it was all right. I told him I should like it in writing in a few days. He said of course he knew that. As to Exhibit X 12, Mr. Buckland as good as told me he had written it under orders. "The fact is" he said "I had heard you were wanting leave, so I spoke about it to the Governor this morning" (before I applied). Of course, my friends in Calcutta had been making the whole thing as public as possible.

Next day Mr. Buckland sent me Exhibit X 15. Of course he had my letter, Exhibit X 14, before him then.

On arriving at Noakhali on 3rd January, I sent Mr. Buckland the letter of which Exhibit X 17 is a copy. He would in the ordinary course have Exhibit X 14 again before him and would lay them both before Sir J. Woodburn, for whom and not for Mr. Buckland himself, Exhibit X 17 was obviously intended.

If it were a case of Mr. Buckland personally making such a fuss, about giving me a day's casual leave, Mr. Buckland knows me well enough to know that it is not apologies he would be getting.

Secretaries don't leave letters of this description lying about loose. I was untidy enough when I was in the Secretariat, but I didn't do that. Mr. Buckland's rooms are particularly neat.

They are 15 yards (on the same level) from the Club Library, which contains an ample supply of writing paper and envelopes, and if he had wanted to send me a private note and had run out of paper why didn't he go or send then?

Finally, if the letter was a private one or was not written under orders of Government, what on earth was the objection to saying so?

The explanation which I suggest is that Mr. Buckland's master has ordered him to lie and that Mr. Buckland has refused. I have known some Secretaries who would not lie. One such died lately in Rangoon.

I think as my judgment may be read by people in England, that I had better indicate the reason of Government's extraordinary solicitude for Mr. Reily. It is that the Police Department is the most "genteel" of the refuges for the destitute in the Indian Empire and that there is hardly a man in high place out here who has not got in that department some relative of whom perhaps he may not be very proud, but whom he has no wish to have on his hands.

To go no further, I may point out that only two of the Civilian Judges of the Calcutta High Court, Messrs. Prinsep and Stevens, have grown up sons at all and that both of them have sons in the Indian Police Department.

In the course of this Judgment I have had to deal with and to expose many persons in high place. I have yet to learn however that an English Judge need apologise for such a course if justice requires it.

I will go further and say that the past actions or rather inaction of the High Court with regard to certain of the matters I have mentioned, has, in my humble belief, done much to lessen the confidence of the people of this country in the administration of justice. There are certain qualities which appear at present to preponderate in that body, which may be to the advantage of the individual Judges composing it, but are far from conducing to raise the estimation in which the Court itself is held. The qualities which the public desiderate in a Judge, are those which Burke long since pointed out as those which brought success in their train in an open election for members of Parliament, "a strenuous resistance to every appearance of lawless power; a spirit of independence carried to some degree of enthusiasm; an inquisitive character to discover, and a bold one to display, every corruption and every error of Government." But the qualities which bring men to the High Court Bench at all events from the ranks of the Civil Service, or of the local bar, are rather "an indolent and submissive disposition, a disposition to think charitably of all the actions of men in power, and to live in a mutual intercourse of favours with them; an inclination rather to countenance a strong use of authority, than to bear any sort of licentiousness on the part of the people." "The instinct which carries the people towards the choice of the former," says Burke, "is justified by reason; because a man of such a character even in its exorbitancies, does not directly contradict the purposes of a trust, the end of which is a contest on power. The latter character, even when it is not in its extreme, will execute this trust, but very imperfectly; and if deviating to the least excess, will certainly frustrate instead of forwarding the purposes of a control on Government."

Four years ago one of the most eminent Civilian Judges who have ever adorned the High Court Bench was superseded for the Judicial Membership of the Bombay Council by a gentleman of whom no one outside the Bombay Secretariat had ever heard. I was then in England, and I remember Sir Charles Pritchard remarking sagely "Ah! poor Jardine, he never would do anything to help the Government."

What I think the public feel with regard to some of our present High Court Judges is that they are rather too ready to help the Government. And it would be a great pity if such an impression were to become widely current, for the people of this country look to the High Court to protect them against Government. They are a peaceable folk and it takes a great deal to rouse them, but there are 300 millions of them and it will indeed be a very bad day, even for British prestige if any considerable proportion of that 300 millions get it into their heads that the only way by which we can carry off our abuses is to carry off ourselves.

This judgment is already three times as long as any judgment I have ever before written. But I may be excused for quoting here the words of a former Lord Chancellor with reference to one of the most famous cases of our history, the case of Shipmoney.

"And here the damage and mischief cannot be expressed that the Crown and State sustained, by the deserved reproach and infamy that attended the Judges, by being made use of in this and like acts of power; there being no possibility to preserve the dignity, reverence and estimation of the laws themselves, but by the integrity and innocency of the Judges and no question as to the exorbitancy of the House of Commons in the next Parliament proceeded principally from their contempt of the laws and that contempt from the scandal of that judgment. So the concurrence of the House of Peers in that fury can be imputed to no one thing more than to the irreverence and scorn the Judges were justly in, who had been always before looked upon there as the oracles of the law and the best guides to assist that House in their opinions and actions. And the Lords now thought themselves excused for swerving from the rules and customs of their predecessors (who, in altering and making of laws, in judging of things and persons, had always observed the advice and judgment of those sages) in not asking questions of those whom they knew nobody would believe. Thinking it a just reproach upon them (who out of their councilship, had submitted the difficulties and mysteries of the law, to be measured by the standard of what they called general reason and explained by the wisdom of state) that they themselves should make use of the license, which the others had taught them and determined that to be law which they thought to be reasonable or found to be convenient. If these men had preserved the simplicity of their ancestors in severely and strictly defending the laws, other men had observed the modesty of theirs, in humbly and dutifully obeying them." Clar. Hist Rebell I, 69.

In dealing with this case I have done what I have humbly conceived to be my duty. It remains for their Lordships of the High Court to do what they conceive to be theirs.

Finding and Sentence.

The Court of the Sessions Judge of Noakhali, agreeing with both the Assessors, convicts Sadak Ali, Aslam and Anwar Ali of murder. Under section 302 of the Indian Penal Code the Court directs that the said Sadak Ali be hanged by the neck till he is dead, and that the said Aslam and the said Anwar Ali do undergo transportation for life. The Court agreeing with both the Assessors acquits Yakub Ali of murder and the Court directs that the said Yakub Ali be set at liberty.

The proceedings will be submitted to the High Court for confirmation of the sentence of death passed upon the accused Sadak Ali.

A. PENNELL,
Sessions Judge.

Noakhali,
The 15th February, 1901.

STATEMENT of the accused SADAK ALI, dated 7th December, 1900.

Q.: Did you murder Islam Jagirdar? What have you to say?—*A.*: I did not murder Islam Jagirdar. I am quite innocent. I shall put in a written statement.

Statement of the other accused Aslam, Anwar Ali and Yakub Ali is the same as above.

WRITTEN STATEMENT OF THE ACCUSED PERSONS.

1. We are not at all guilty, nor did we murder Ismail Jagirdar, we have unjustly and falsely been accused owing to a conspiracy.

2. Nanda Kumar Das *alias* Nunda Basi Das, Nanda Thakur and Sadak Ali residing in our quarter, are touts and notorious litigants. At the time of Police investigation in this case they threatened several villagers and extorted money from them; they also demanded money from us, but at last we declined to pay; hence there was misunderstanding with them. On account of the said grudge the said Nanda Basi and others tutored their neighbours and by witnesses long after the occurrence and have brought this charge.

In point of fact we are quite innocent and are entitled to be discharged in the equitable judgment of the Court.

TRANSLATION of the EXAMINATION of the accused SADAK ALI, before the Committing Magistrate.

The examination of the accused, aged about 40 years, taken before me, Kali Sankar Sen, Deputy Magistrate at Noakhali, on the 19th day of December, 1900.

My name is Sadak Ali. My father's name is Asrap. I am a Mussulman by caste and a husbandman by profession. My home is at Mouzah Salia, Thana Sudharam, District Noakhali.

Q.: Did you murder Islam Jagirdar? What is your defence?—*A.*: I did not murder Islam Jagirdar. I am innocent. I have filed a written statement.

Kali Sankar Sen,
Deputy Magistrate.

Sadak Ali,
Accused.

The 7th December, 1900.

The above examination was taken down with my own hand. It contains a full and true account of the statement made by the accused.

Kali Sankar Sen,
Deputy Magistrate.

The 7th December, 1900.

Translation of the Examination of the accused Aslam before the Committing Magistrate.

The examination of the accused, aged about 30 years, taken before me, Kali Sankar Sen, Deputy Magistrate at Noakhali, this 7th day of December, 1900.

My name is Aslam. My father's name is Lakhi Goldar. I am by caste Mussulman and by occupation husbandman. My home is at Mouzah Salia, Thana Sudharam, District Noakhali.

Q.: What is your defence? Did you or did you not murder Islam Jagirdar?—*A.*: I did not murder Islam Jagirdar. I am innocent. I have filed a written statement.

Kali Sankar Sen,
Deputy Magistrate.

Aslam,
Accused person.

The 7th December, 1900.

The above examination was taken down with my own hand. It contains accurately the whole of the statement made by the accused.

Kali Sankar Sen,
Deputy Magistrate.

Translation of the Examination of the accused Anwar Ali before the Committing Magistrate.

The examination of the accused person, aged about 30 years, taken before me, Kali Sankar Sen, Deputy Magistrate at Noakhali, this 7th day of December, 1900.

My name is Anwar Ali. My father's name is Hyder Ali. I am by caste a Mussulman and by occupation a cultivator. My home is at Mouzah Salia, Thana Sudharam, District Noakhali.

Q.: Did you or did you not murder Ismail (?) Jagirdar? What is your defence?—*A.*: I did not murder Ismail (?) Jagirdar. I am innocent. I have filed a written statement.

Kali Sankar Sen.

Anwar Ali (*by mark*),
Accused person.

The 7th December, 1900.

The above examination was taken down with my own hand and it contains accurately the whole of the statement made by the accused.

Kali Sankar Sen,
Deputy Magistrate.

The 7th December, 1900.

TRANSLATION of the EXAMINATION of the accused YAKUB ALI before the Committing Magistrate.

The examination of the accused person, aged about 27 years, taken before me, Kali Sankar Sen, Deputy Magistrate at Noakhali, this 7th day of December, 1900.

My name is Yakub Ali. My father's name is Chowdhuri Chowdhuri. I am a Mussulman by caste and a cultivator by profession. My home is at Mouzah Chur Uriya, Thana Sudharam, District Noakhali.

Q.: Did you murder Ismail (?) Jagirdar?—*A.*: I did not murder Ismail (?) Jagirdar. I am innocent. I have filed a written statement.

KALI SANKAR SEN.

YAKUB ALI,
Accused.

The 7th December, 1900.

The above examination was taken down with my own hand and it contains accurately the whole of the statement made by the accused.

KALI SANKAR SEN,
Deputy Magistrate.

The 7th December, 1900.

TRANSLATION of the WRITTEN STATEMENT of the Accused Persons.

Written statement of the accused Abdul Halim and others, filed on the 7th December, 1900, in the Court of the Committing Magistrate.

Idrich Mea - - - - - - - *Complainant*,

versus

No. 1, Abdul Halim, No. 2, Sadak Ali, No. 3, Anwar Ali, No. 4, Aslam, No. 5, Yakub Ali.

Case under Section 302, Indian Penal Code.

1. We did not commit any offence and we did not murder Ismail (?) Jagirdar. We have been unjustly, maliciously and falsely accused in this case. Nunda Kumar Das *alias* Nanda Bashi Das, Nunda Thakur and Sadak Ali three persons of this part of the country are touts fond of litigation. During the Police investigation of this case these men extorted money from many people by threats. They demanded money of us and on our refusal to pay any, a misunderstanding has arisen between them and ourselves. The said Nunda Bashi and others out of malice got up false evidence by tutoring mendacious-witnesses from among their neighbours, and caused this false case to be brought a long time after.

2. In point of truth we are quite innocent; and are justly entitled to acquittal.

YAKUB ALI.
ABDUL HALIM.
SADAK ALI (*by mark*).
ASLAM.
ANWAR ALI (*by mark*).

Dated 1st December, 1900.

Known to me:
A. AZIZ,
Mukhtar.

Bengal Police No. 4.

No. 22.

Post-mortem Report.

STATION SUDHARAM.

The 26th day of August 1900.

Name, sex, age, and caste.	Whence brought—Village and Thana. Distance of village from dead-house.	Name and number of constable by whom brought and names of any relatives accompanying.	DATE AND HOUR			Information furnished by Police.*	By whom identified to the Medical Officer.†
			Of despatch from village.*	Of arrival at dead-house.*	Of examination by Civil Surgeon or his Assistant.		
Ismail Jagirdar, male, age 60 years, Mussulman.	Chur Uria Village Sudharam, Police Station 5 miles, north-west from dead-house Noakhali.	Constable, Ramdhon Baruya, of Sudharam, Police Station, relatives Yakub Ali, Waliullah.	The 26th August, 1900, at 12 A.M.	The 26th August, 1900, at 2.45 P.M.	At 4.30 P.M., the 26th August, 1900. N. C. D.	The cause of death of the deceased was not known, his body was found dead in a water tank, good many bruises, black marks, swelling and a small punctured wound in the back just near the loin were found on the body. Blood mark on the penis. KRISHNA K. SARKAR. The 26th August, 1900.	By Police Constable Ramdhon Barwahi, and Edus Miah, son of the deceased.

* To be filled in by the Police. † To be filled in by the Medical Officer.

N.B.—The Medical Officers will observe the state of all the organs, and when no disease or injury is found, write "healthy."

I.—External Appearances.

1.—Condition of subject—stout, emaciated, decomposed, etc.	2.—Wounds—position, size, characters.	3.—Bruises—position, size, nature.	4.—Mark of ligature on neck, dissections, etc.
Fairly well nourished, fresh.	Several small abrasions of skin varying in size from 1⅛″ × ¼″ to ⅛″ × ⅛″ on left front and side of the chest. Similar appearance on the right side of neck and top of the right shoulder. Ditto on the right side of chest one abrasion about ⅛″ × ⅛″ on the back of the right forearm one abrasion about ⅛″ × ⅛″ on the back of right knee. Ditto in front of left knee one very small abrasion on the penis.	The top and right side of the head, the right half of the forehead and the right cheek were generally bruised. There was a bruise about 2″ × 1″ on the back to the left of spine. The left upper eyelid was denuded of skin.	None.

NOTE.—The spinal canal need not be examined unless any indication of disease or injury exist.

II.—Cranium and Spinal Canal.

1.—Scalp skull, and vertebræ.	2.—Membranes.	3.—Brain and spinal cord.
The skull and vertebræ were uninjured and healthy. The scalp on the top and right side of the head was bruised. Effused blood was found underneath it in these parts.	Congested, otherwise healthy.	Brain congested, otherwise healthy, spinal cord not examined.

III.—Thorax.

1.—Walls, ribs, and cartilages.	2.—Pleura.	3.—Larynx and trachea.	4. Right lung.	5.—Left lung	6.—Pericardium.	7. Heart.	8.—Large vessels.
Healthy.	Healthy.	The mucus membranes congested. Otherwise healthy.	Healthy, except at its lower margin where it was adherent to the diaphragm and its *(illegible)* appearance of congestion.	Healthy, congested,	Healthy.	Healthy, empty.	Healthy, filled with dark blood.

IV.—Abdomen.

1.—Walls.	2.—Peritonium.	3.—Mouth, pharynx and œsophagus.	4.—Stomach and its contents.	5.—Small intestine and its contents.	6.—Large intestine and its contents.	7.—Liver.	8.—Spleen.	9.—Kidneys.	10.—Bladder.	11.—Organs of generation, external and internal.
Healthy.	Healthy.	Healthy.	Healthy, empty.	Healthy, contained healthy fœces.		Congested, otherwise healthy.	Healthy.	Deeply congested, otherwise healthy.	Healthy, contained a quantity of urine.	Healthy.

V.—Muscles and Bones.

1.—Injury.	2.—Disease or deformity.	3.—Fracture.	4.—Dislocation.
None.	None.	The lower jaw bones fractured about 1½″ above the angle on the right side.	None.

More detailed description of injury or disease.

Body of a fairly well nourished Mahomedan male brought in and indentified to me by Police Constable Ramdhan Baruah and Idris Mian, son of the deceased. It was fresh. The face was generally congested, the front of the neck was swollen, the top and right side of the head, the right half of the forehead, and the right cheek were bruised. There was also a bruise on the back to the left of spine, several abrasions of skin varying in size from 1⅛″ × ⅛″ to ¼″ × ⅛″ were found on the left front and side of the chest, right side of the neck, top of right shoulder, right side of chest, back of right forearm, back of right knee, front of left knee, and on the penis. The left upper eyelid was denuded of skin. On dissecting the scalp and the skin of the face quantities of effused blood were found underneath, on the top of the head, on the forehead, on both temples, and on the right cheek. There was a large clot of blood on the right temple, effused blood was also found under the skin in front and sides of the neck. The lower jaw-bone was fractured. The internal organs were all healthy except the right lung at the lower *(illegible)* of which signs of old inflammation were found. The brain and membranes, the lungs, the liver, and the kidneys were congested. The body is reported to have been found in a tank, but none of the usual signs of drowning was found.

Remarks by Civil Surgeon.

I am of opinion that death in this case was due to violence.

Impossible to say decidedly, he was probably struck on the head by some hard blunt weapon or thrown down upon something hard, and his neck may have been pressed.

U. C. DUTTA,

Offg. Medical Officer, Noakhali.

The 28th August, 1900.

PETITION OF APPEAL.

To Sir Francis William Maclean, Kt., K.C.I.E.,

Chief Justice and his companion Judges of the High Court of Judicature at Fort William in Bengal.

The humble petition of Sadak Ali, son of Asrof, at present of Sudharam Jail, most respectfully showeth :—

That your Lordship's humble petitioner has been found guilty of murder of one Ismail Jagirdar under Section 302 I.P.C. and sentenced to death by the Sessions Judge of Noakhali on the 15th February 1901 in Sessions Trial No. 1 of the first quarter of 1901. He accordingly begs to prefer this appeal amongst other on the following grounds :—

First.—That there is no reliable evidence on the record to prove the guilt of your Lordship's petitioner. The learned Sessions Judge has very unjustly and on insufficient grounds relied upon the testimony of the witnesses examined for the prosecution and found him guilty under the aforesaid Section and passed the extreme penalty of law.

Second.—That the mission which is said by the two witnesses Hosan and Torap to have led them to Baley Shahib's market and the third witness Islam to Karamulla's house and thence to the alleged place of occurrence at that hour of night is, on the face of it, an improbable one. The learned Sessions Judge has not paid due attention to this.

Third.—That on reading the evidence of prosecution witnesses Abdul and Ahamed Ali, one is forced to come to the conclusion that the deceased Ismail Jaigirdar had got to his house at about a *danda* of night, *i.e.*, within 24 minutes after sunset and before the heavy rains and the high wind had ceased; whereas the occurrence is said to have been witnessed at 9 *gharies* of night, *i.e.*, at 8.30 or 9 p.m., at his door by the prosecution witnesses Torap Ali and Hosan Ali, who had left Baley Shahib's *hat* (according to their own statement at 2 gharies of night and after the rains had ceased), a good 3½ miles from the house of the deceased. The attempts of the learned Sessions Judge to meet this strong point in favour of your Lordships' petitioner are utterly futile.

Fourth.—That the improbability and untruthfulness of their evidence is apparent from another strong circumstance that the night was very dark as it was a new moon night and was one in the month of August, and that it was attended by incessant rains and high winds for some hours.

Fifth.—That the so-called three eye-witnesses Torap Ali, Hosan Ali and Islam should have been declared to be false and got-up witnesses in consideration of the fact that they did not turn up as witnesses before the Daroga during the investigation which extended over a considerably long period; that Idris who had been found to be "singularly intelligent lad" did not name them in petition (Exhibit 3); that he named only one out of the three witnesses before the District Superintendent of Police on the morning of the 9th, and that the list of witnesses given on the 10th September (Exhibit B4) and the *Hajira* given on the 12th (Exhibit B7) did vary with each other in spite of the fact that he is said to have become aware of their names shortly after the murder, *i.e.*, on Friday.

Sixth.—That the non-production of any of the witnesses said to have been present at the time when the eye-witnesses are said to have deposed should have aroused suspicion in the mind of the Sessions Judge and led him to reject them as false witnesses, and also to depend upon the statement of Head Constable Krishna Chandar Bhadra (Defence witness No. 1), and also on the Police Diaries which have been exhibited in this case.

Seventh.—That the statement made by the said witnesses and Idris if carefully sifted would very clearly point that their story was a tissue of falsehood and utterly unreliable and improbable.

Eighth.—That the request of the defence pleader to finish the examination-in-chief of the witnesses Torap Ali and Hosan Ali first and to allow him to cross-examine them on the same day (which would be possible) was very reasonable one and ought to have been granted.

Ninth.—That the statement of Idris that he did not take much notice as to what evidence the Daroga was taking under the tamarind tree on the 28th August, and that he was moving hither and thither, coupled with the facts mentioned in paragraph 5 of this petition, would clearly point that the so-called three eye-witnesses were tutored witnesses and got up for the purpose of the prosecution.

Tenth.—That the testimony of Idris on some material points varies from his statement in the second first information (Exhibit 2), and that both the first and second informations are discrepant.

Eleventh.—That the learned Judge has erred in law in using the testimony of the Civil Medical Officer given before the committing Magistrate as he was not cross-examined then. Even if it were admissible in evidence it would show the absurdity and falsity of the statements of the two eye-witnesses Torap Ali and Hosan Ali which the learned Court below has not considered.

Twelfth.—That the evidence of the three so-called eye-witnesses differs materially from the statements they made before the District Superintendent of Police on the important particulars, and as such they ought not to have been believed in.

Thirteenth.—That the learned Judge of the Court below should have held that the petition filed by the eight witnesses on the 21st September (Exhibit 4) was an afterthought meant to explain away the facts of the witnesses not appearing before the Daroga.

Fourteenth.—That the Sessions Judge has failed to see that the evidence of prosecution witness No. 9 Rajob Ali to the effect that he saw the four accused at sunset under a *Bat* tree near *Utsara dighi*, ¾ of a mile south-east of the deceased's house, points to the fact that the prosecution had wanted to make out another story and fixed another spot as the place of occurrence.

Fifteenth.—That the circumstantial evidence wanted to be afforded by Abdul Aziz, witness No. 8, and that of Mahabbat Ali before the lower Court should have been held to have been got up. Moreover, the statement of the latter is in conflict with that of Idris.

Sixteenth.—That the evidence of immediate motive given on the side of prosecution was not wholly reliable as it comes from Idris (who had to admit) that all the villagers were his father's enemies.

Seventeenth.—That the reason assigned by the learned judge of the Court below for Torap and Hosan's taking longer road instead of shorter one, as shown in Exhibit 5, is not very sound, considering the position of life of the two witnesses and the urgency of the occasion, and also considering that peasants as they are, they would not mind crossing one or two breaks, the depth of which was a little over one or two feet.

Eighteenth.—That the learned Sessions Judge is wrong to suppose that Mr. Reily's testimony was a "sheet anchor" in the case for defence. It was wrong to prefer the statements of two most insignificant cultivators to the testimony given by the District Superintendent of Police on points in which they deferred. The lower Court has unjustly stigmatised the evidence of the latter as tissue of falsehoods.

Nineteenth.—That the learned Sessions Judge is in error to hold that the investigating Police Officer Osman Ali, is a relative of the accused men. The evidence given on this point is most unreliable and insignificant, and has been sufficiently rebutted by the defence witnesses.

Twentieth.—That the learned Sessions Judge having admitted the Police Diaries in evidence was in error not to allow the same to be used in evidence by the accused men's pleader.

Twenty-first.—That the learned Sessions Judge has introduced several extra-judicial matters which seem to have weighed his mind and prejudiced the accused in their trial.

Twenty-second.—That the learned Judge has erred in law in exhibiting after trial with the aid of assessors was over.

Twenty-third.—That the learned Judge has unjustly stigmatised the whole of the evidence adduced in defence as unreliable, and remarks in most cases against them are unjustifiable.

That your Lordships' humble petitioner therefore most respectfully prays that Your Lordships will be graciously pleased to call for the records in the case, and after going through them will be graciously pleased to set aside the order of conviction and sentence passed upon him.

And your Lordships' petitioner as in duty bound shall ever pray.

Thumb impression.

Noakhali Jail,
The 2nd March, 1901.

Prisoner put his mark in my presence.

J. MITRA,
Jailor.

FIRST INFORMATION REPORTS.

First information given at 9 a.m., 26th August 1900, by Idris Mia.

Yesterday at about 9 or 10 a.m., my father left home to look after a case in this town of Sudharam; he did not return home. My father used to collect rents of the Bhullua estate; he had his own cases too. We thought my father might have been staying somewhere or have gone to some relations and hence we did not search him that night. This day early in the morning after rising from bed I came to the *darja* (gate way) of our *bari* and found my father's dead body floating with its face downwards in about three cubits of water by the front of the west *ghat* of the tank on the front of our *darqja.* Hearing my cries my neighbours Naimuddi Miji, Abdul Aziz, Abdul Halim, Muhammed Ali Moulvi and others came there and saw the dead body floating. The dead body is still in the water; it has not been taken up. I cannot say how did my father fall into the water; he had no epilepsy. I cannot say how did he die. I know how to read and write. My father was aged about 60 years. Osman Ali Chowkidar of our beat came with me while I came to lodge information.

IDRIS MIAN.

The 26th August, 1900.

My name is Idris Mian, son of Ismail Jagirdar of Chur Uria, Police Station Sudharam, aged 16 or 17 years; to-day morning my father Ismail Jagirdar's dead body having found floating in the tank at the *darga,* not knowing how his death was caused, I lodged an information with you, Osman Ali, Sub-Inspector. After the information, a Jamadar, whose name I don't know, went to our *bari* and had the body brought out of the tank, and I saw that my father's left eyelid was denuded of skin and bruises on forehead and on both the sides of it. Having seen injuries and bruises on the body of my father, I became senseless and so could not mark well the injuries and bruises on various parts of my father. From what I have seen I suspect that some persons have murdered my father who had emnity with Sadak Ali of Salla whose father's name not known, Aslam, son of Lukhi Goldar of the same place, Imdadullah, son of Hamidullah of Chur Uria, Anwar Ali, father's name not known, of Chur Uria, Abdul Halim, son of Bhola Gazi of Chur Uria, Osman Ali Chowkidar of the Mohalla, Fazar Ali, his brother of the same *bari,* Abdul Hakim, father's name not known, of Chur Uria and Abdul Karim of Chur Uria. I suspect that these or such other enemies of my father have put my father to death. The said Imdadullah and Abdul Halim told me to give my information without accusing any one. I with them went to Ashraf Ali Mukhtear's for consultation. I met Sadak Ali near a culvert south of the said *mukhtear's* house. Sadak Ali was coming to the south, we were going to the north. Sadak Ali did not speak with us. After we went to the *mukhtear's* house the *mukhtear* told us to give information as we saw. After this I came to the station and lodged information at 8 or 9 a.m. I want inquiry of my father's murder. The said Sadak Ali, Aslam, Anwar Ali, Imdadullah, Abdul Halim, Osman Ali Chowkidar, Fazar Ali and Abdul Karim are our *ryots.* My father had enmity with them as regards rents. My father had many suits with Abdul Hakim in Criminal and Civil Courts. The Jamadar sent me with the body to the Civil Medical Officer. The delay in giving information at the station was due to sending the body of my father to home for burial from the *post-mortem* house. I know to read and write. Yesterday at 10 a.m., my father came to the town from our house. He did not return at night. My father used to serve the Bhulua Zemindar. He came to the Civil Court on some business of the Zemindar. He not returning home at night we thought he stayed at town, or at some relative's house. On question he said he did not know whether anyone else accompanied him. To-day awaking from sleep I saw his body floating in the tank of our *darga.* Our neighbours Abdul, Naimuddin Miji, Abdul Aziz, Musa Mian Moulvi and others witnessed this. My father had a *dhoti* of black border, white *pirhan,* white sheet, cap on and a black umbrella, while coming from home. I know these articles. He had papers in his pockets. I cannot give their details. I saw the *dhuti* only in my father's wearing while floating in the water. I do not know whether he had any money with him, my father had no disease.

IDRIS MIAN.

The complainant subscribed his name after the *ijahar* was read over and admitted correct.

OSMAN ALI,
Sub-Inspector.

File with the record of the case.

(Illegible),
Deputy Magistrate.

The 25th October, 1900.

PROCEEDINGS OF THE COURT OF SESSION.

In the case of

THE KING-EMPEROR ... ... *Complainant,*

versus

SADAK ALI AND OTHERS ... ... *Accused.*

PART II.

Date fixed for hearing—The 28th March 1901.

Proofs compared by:

W. C. RABEHOLME, G. C. GHOSE, DAVID CARR and D. N. DAS.

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EXHIBIT III.

A. PENNELL,
Sessions Judge.

The 7th January, 1901.

PETITION OF IDRIS MIA IN THE COURT OF THE DISTRICT MAGISTRATE.

No. 496.

No. 537.

To D. S. P. for early report. His attention is drawn to paragraph 5.

J. A. E.

The 6th September, 1900.

In the Court of the District Magistrate, Noakhali.

The humble petition of Idris Mia, son of late Ismail Jaigirdar of Chur Uria, Station Sudharam.

Most respectfully Sheweth—

1. That on the 9th Bhadro (25th August) the father of the petitioner came to town to conduct a case in the Civil Court, and that he did not return home that night.

The petitioner may produce his witnesses before the District Superintendent, Police. J. A. E.
The 7th September 1900.
Seen. R. SEN.
The 7th September 1900.

2. That early in the following morning (26th August) the dead body of the father was seen floating in a tank in the petitioner's *ghata;* that thereupon the petitioner came to town and informed the police about it.

3. That of medical examination it was found that the death of the petitioner's father was due to severe beating.

4. That the petitioner and his mother suspected their enemies and named them before the police; and that during the police investigation it has been disclosed by some persons that the said suspected enemies actually caused the death of the father.

Incorrect, no such evidence has been elicited.
W. Y. R.
The 6th September.

5. That in spite of the evidence before the police, the police is silent up to date. That the Sub-Inspector Osman Ali being a local man, most of the accused persons are directly or indirectly related to the said investigating sub-inspector and his son's father-in-law, Amjad Mea; and that during the investigation the said Amjad Mea was all along with the sub-inspector.

That the inspector of police sometimes went to the village at the time of investigation, but the purpose and effect of his going there was best known to him.

He is a punchayet and went to the village with other punchayets on being called by the Inspector. The statements mentioned here are all nonsense. I have visited the spot and tested the enquiry.
W. Y. R.
The 6th September.

That considering all these facts the petitioner is inclined to believe that no proper care was or will be taken by the police to bring the culprits to justice.

6. That there are direct and circumstantial evidence to bring home the charge against the accused.

7. That the place of occurrence is near the town; and that the humble prayer of the petitioner is, that your worship will be pleased to take up the case from the hand of the police and take down the evidence by your worship's self, or order due enquiry by a competent court.

The Inspector has been supervising the enquiry locally and has kept me informed daily of how the enquiry is proceeding. Up to date there is no direct or circumstantial evidence against the accused; in fact there is not an atom of evidence against any one. The complainant may be directed to produce his witnesses before me whom he thinks will prove the case.
W. Y. REILY.
The 6th September.

Noakhali,
The 5th September, 1900.

EXHIBIT 26a.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

(Translation.)

SPECIAL DIARY, SECTION 172, C. P. C.

Idris ... ... Informant.

No. and date of first information report.

Case No. 36, regarding accidental death of Ismail Jaigirdar caused by his falling into water, dated the 26th August, 1900, 9 a.m. Occurrence between 10 a.m. of 25th August, 1900, and 6 a.m. of 26th August, 1900.

Committed to Sessions.

(Initial illegible.)

The 7th December, 1900.

Fixed for—

The 15th October, 1900.
The 16th October, 1900.
The 17th October, 1900.
The 29th October, 1900.
The 10th November, 1900.
The 21st November, 1900.
The 22nd November, 1900.
The 1st December, 1900.
The 3rd December, 1900.
The 6th December, 1900.
The 7th December, 1900.

Date and hour—26th August 1900—9 a.m.—At the Station.

Informant did not know how the death was caused.

1. The informant on coming into the station at 9 a.m. of this day, the 26th August 1900, stated before the senior sub-inspector of the station that he had seen the corpse of his father Ismail Jaigirdar floating this morning, on the water of the tank to the east and in front of the *daroza* of their house; that he had gone to the town yesterday at 10 a.m. for the purpose of looking after a case in the Court; that he did not know how he had come by his death. This is considered as *itala* (information) No. 36 regarding accidental death; and I am deputed to carry on an investigation in respect of this matter. So I start for the mofussil with the constables Ramdhone and Gobinda Pali.

From 11 A.M. to 12 A.M. Chur Uria, Naimuddi Miji, Mahabbat Ali, Jinnat Ali, Elahibuksh, Meher Ali, of Chur Uria, Hamidulla of Paran Jogan Nath, I. O. Head Constable Krishna Chunder Bhadra, arrived at the spot and made inquest of the corpse and sent the body for *post-mortem* examination.

2. On arriving at the house of the informant at the village of Chur Uria I called the principal men of the village stated in the margin and in their presence saw the corpse of the deceased Ismail Jaigirdar floating reversed (with face downward) at a distance of three cubits to the east from the side of the *ghat* at the south-west corner of the tank to the east of the *daroza* of the informant's house. On bringing up the corpse of the deceased from three cubits of water through Eakub Ali and Jinnat Ali of Dharmapur and Lasker Ali of Chur Uria, I examined it and found that the deceased was aged about 60 years, of dark complexion, with both hands bent upwards, one black *churi* bordered *dhuti* of *naensuk* (fine cloth) as wearing cloth, tufted beard. cropped moustaches, the hair whereof being here and there grey, eyes and mouth closed, scars of small-pox on the face, one black mark of abrasion over the socket of the right eye on the right side of the forehead, one black mark in the middle part of the forehead, and one black mark between both eyes in the middle part of the nose, marks of abrasion below the left eye, below the right eye (and) on both the lips, mark of abrasion on the back of the right ear, white mark of the parting of the skin below the neck on the left side of the breast, nose oozing out water, one mark of abrasion at the joint of the right arm, one mark of swelling on the left side of the spine on the back, one slight mark like that made with some pointed thing in the middle of the waist on the back, and blood mark at the base of the penis. There is also slight mark as that made by some pointed thing at the ankle of the right leg. The palm of the hands and the sole of the feet were stiff. Save and except these, no other visible marks and wounds were found. The cause of the death of deceased could not also be known. Nothing could be positively known how these marks and wounds were caused. I therefore draw out a report of the examination of the dead body on a separate paper and send to the Sudder Hospital, by a *challan* etc., the corpse in a cart through Ramdhone Constable for the examination of wounds, etc., on the person of

the deceased. From the condition of the dead body (I think) it is not improbable that the deceased died on being wounded by somebody. Accordingly I instructed Ramdhun Constable to take the informant with him and to inform the senior sub-inspector of the circumstances, etc., of this occurrence.

3. 1 p.m. Chur Uria.—I engage myself in making a search in the water of the tank where the occurrence took place, in the jungle and in the dense jungle, etc., in the neighbourhood. I came to know that the deceased had on his person one white shirt and one fine white sheet and had also with him one old umbrella with black cloth and eight iron rods.

It was informed that the deceased had with him before death one plain shirt, one thin sheet and one umbrella having eight iron rods.

4. 7 p.m. Ditto.—I made a search in the water of the tank where the occurrence had taken place, in the jungle, in the dense jungle close by, and in the roads on all sides. There is a road for going to and coming from the house running towards the east through the southern embankment of the tank where the occurrence took place. A small space of ground at a distance of 118 cubits to the east from the spot where the corpse was found at the south-eastern corner of the said tank was a raised one. It has been cut to a depth of 2½ cubits and levelled with the road on the eastern side of the tank. There were the (following) marks at the said spot. A human knee-joint mark at 16 *angulis* above the lower ground on the southern side of the road, one mark somewhat larger than the said mark, 12 *angulis* above at a distance of six cubits from the said marks towards the west, two marks of human feet at one place 2½ cubits above the said road, and a mark like that of human knee-joint 12 *angulis* above the road on the northern side; and it was found that two *goada* plants higher up on the southern side had been pressed by human feet. No other marks were found. Accordingly I prepared a map of the said spot. Nothing has been known from enquiry up to this time as to the cause of the death of the deceased. The clothes, etc., which he had with him were not also found out on enquiry, nor was the result of the examination of the corpse of the deceased received. The distance from the spot where the corpse was found to the *ghur* of the outer apartment of the house of the deceased is 39 cubits. The *basat ghur* lies at a distance of 12 cubits towards the west from the *ghur* aforesaid. I therefore remain engaged in carrying on further investigation and close the diary this day.

Marks of human knee-joints, feet, and two shrubs of thrashed *goada* were seen, and a plan of the spot prepared.

Exhibit 26b.
A. PENNELL,
Sessions Judge.
The 16th January 1901.

KRISHNA CHUNDER BHADRA,
Head Constable, Sudharam.

Sent on the 27th August 1900 from Chur Uria at 12 a.m. through Imamuddi Chowkidar.

OSMAN ALI,
Sub-Inspector.

Filed 27th August, 1900.

Received on the 27th August, 1900, at 5.m.

LAKSHMI KANTA CHUCKERBUTTI,
Writer Constable.

A case No. 13, under Section 302, Indian Penal Code, in connection with this accidental death has been instituted. So two copies of diary in respect of this matter is made over.

KRISHNA CHUNDER BHADRA,
Head Constable.

The 27th August, 1900.

Started 28th August, 1900.

T. A. M.
(Illegible.)

Filed with the next diary and put up before Divisional Inspector for needful.

(Initial illegible.)

The 28th August, 1900.

Submitted.

(Initial illegible.)

The 29th August, 1900.

It appears that a separate copy of this diary was sent to District Superintendent of Police and so this copy is not sent.

(Initial illegible).

The 30th August, 1900.

EXHIBIT 27a.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

(Translation.)

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE, POLICE STATION, SUDHARAM.

Idris Mia ... ... Complainant,

versus

Sadak Ali and others ... ... Suspected Defendants.

Section 302, Indian Penal Code.

Number and date of first information report.—No. 13, 26th August, 1900. Instituted between 7½ and 8½ p.m.

Date of occurrence.—Between 10 a.m. of 25th August, 1900, and 6 a.m. of 26th August, 1900.

Date and hour.—27th August, 1900, 2 a.m. Chur Uria.

1. The complainant on coming into the station at 9 a.m. of 26th August, 1900, stated before me that his father Ismail Jagirdar, had gone to the town at 10 a.m. on the 25th August for the purpose of looking after a case in the Court; that he had not returned home; that he saw his father's corpse floating on the water of the tank near the *daroza* of their house in the morning of the 26th August; that he did not know how his father came by his death, and so forth. So, this was considered as an *itala* (information) No. 36 regarding accidental death; and I appointed the head constable, Krishna Chunder Bhadra, to carry on investigation.

On going yesterday to Bibir Bazar for making a search in the shop of the accused in case No. 12 of the month current I saw that the *ghur* of the accused there had been closed by a padlock, and that the accused was not present. I came to know that the accused had gone to (illegible) Hat. Thinking that it is was not proper to enter his room by breaking the padlock in his absence, or in the absence of any person attending on his behalf, and that it is necessary to know the condition of the corpse of Ismail Jaigirdar in connection with the accidental death (information) No. 36, lodged yesterday, that is, this case No. 13, I kept a constable to watch in the front of the shop of the accused in case No. 12, sent a man to bring the father of the said accused, and then went to the hospital. When I came back to the Thana from that place, after being cognisant of the circumstances (that is) at the said time the complainant made a statement regarding murder in connection with this case.

A. F. I. R. of crime, started at 7½ P.M. of 26th August 1900

ABSTRACT OF THE COMPLAINANT'S STATEMENT.

After the complainant had made the statement of accidental death yesterday, Krishna Chunder Bhadra, of the station, went to his house and caused the corpse of his father to be brought up, upon which he found that the eyelid of the left eye of the said corpse had parted off, and that there were marks of wounds on the forehead and on both sides thereof. He could not distinctly see what sorts of wounds and at which parts they were. From what he saw he suspected that somebody had murdered his father. His father had enmity with Sadak Ali of Salia, whose father's name is not known to him; Aslam, son of Lakshmi Goledar, of the said place; Emdadulla, son of Hamid Ali, of Chur Uria; Anwar Ali, of Chur Uria, whose father's name is not known to him; Abdul Alim, son of Bejna Gazi, of Chur Uria; Osman Ali, the Chowkidar of the *mohalla*; the said Chowkidar's brother, Fazar Ali; Abdul Hakim, of Chur Uria, whose father's name is not known to him; and Abdul Karim, of the said place, whose father's name is not known to him. He suspects that either they or any other enemy of his father murdered him. The said Emadadulla and Abdul Halim told him to make a statement without accusing anybody in connection with the death of his father. When he (his father) left home he had a bordered *dhuti*, one white shirt, and one white sheet on his person, and had also one umbrella with black cloth and bamboo stick, as well as papers in the pocket of his shirt. On his making these and other statements at the time aforesaid, I considered the same as first information, and then engaging myself in carrying on investigation in the theft case, No. 12, made a search in the (shop) of the accused in that case, kept the recovered articles, etc., in charge of the station, started from the station at 12 p.m. yesternight with Rajani Chanda, Nur Mea, Mahomed Ali, and Abdul Hamid, the constables, now reached the village where the occurrence took place, and finding the head constable, Krishna Chandra Bhadaa, and coming to know of the result of the proceedings of investigations made by him up to this time, engage myself in carrying on investigation.

Sub-Inspector Osman Ali Mia arrived at the spot and commenced investigation.

3 A M. Chur Uria.

2. I engage Krishna Chandra, head constable, along with Rajani Chanda and Nur Mea, constables, (to) secretly keep eye upon the doings of the suspected accused, and to see whether they can find out any clue leading to success, on secretly going round.

6 A.M. Complainant's house at Chur Uria.

I arrived at the complainant's house. The head constable Krishna Chunder Bhadra along with his companion constables appeared and said that he had gone round through the village where the occurrence had taken place and had not got any clue leading to success. I inspected the spot in the tank where the corpse had been found and the spots in the road where the marks of knee-joints, &c., were, as mentioned in paragraph 4 of the diary No. 1 of the head constable. Nothing was found in addition to what had been written in the said paragraph by the head constable. The map presented by the head constable is kept herewith by me.

6 A.M. Complainant's house at Chur Uria.
Aminuddi and Yakub Ali were also suspected.

4. I took the deposition of the complainant's mother Rokeya Banu. She suspected Aminuddi son of Jaharaddi of Chur Uria, and Yakub Ali, whose father's name is not known to her and who lives in his house in addition to the persons suspected by the complainant.

Exhibit No. 27b.
A. PENNELL,
Session Judge.
The 16th January 1901.

7 A.M. Complainant's house.

5. I along with Mahomed Ali, Rajani and Abdul Hamid the constables, started to make searches in the houses of Sadek Ali, Aslam, Osman Ali Chowkidar, Fazar Ali and Anwar Ali, and to see whether any cloth stained with blood, *lathi*, &c., and the papers, umbrella, cloth, cap, &c., that were with Ismail Jaigirdar could be found in the houses of the suspected accused. I deputed Krishna Chandra Badra, the head constable, along with the constables, Ramdhun, Gobinda and Nur Mea to make search in the houses of Emdadulla, Abdul Halil, Abdul Hakim, Abdul Karim, Yakub Ali and Aminuddin.

Between 7½ and 8 A.M., Chur Uria.
1. Abdul Rahim.
2. Nur Mia.
3. Meajan Bepari.
4. Nandabashi Das.
Searched but found nothing.
Accused absent.

6. On arriving at the house of the said Sadek Ali and Aslam who live in the same house, I could not find them, or any of the members of their family. In the presence of the persons noted in the margin and Aslam's father-in-law Meajan I searched the *ghurs*, &c., of Aslam and Sadek Ali, but neither the clothes, &c., that had been with the deceased nor anything else were found.

9 A.M., Chur Uria.
1. Nandabasi Das.
2. Nur Mea.
3. Abdul Rahim.
4. Meajan Bepary of Chur Uria.
Searched—no property found.
Accused present.

7. On arriving at the house of the suspected Osman Ali Chowkidar and his brother Fazar Ali, who live in the same house, I, in the presence of Fazar Ali, Osman Ali, and the persons noted in the margin, searched their *ghurs*, &c., but the papers, &c., that had been with Islam (?) Jaigirdar or anything else were (?) found.

I talked with Fazar Ali and Osman Ali but nothing could be known leading to success.

10 A.M., Chur Uria.
1. Nandabashi Das.
2. Nur Mea.
3. Abdul Rahim.
4. Meajan Bepari of Chur Uria.
Searched. No property found.
Accused absent.

8. I arrived at the house of the suspected Anwar Ali, but could not find him or any of the members of his family. In the presence of his neighbours noted in the margin I searched his *ghur*, &c., but the clothes, &c., that had been with Ismail Jaigirdar or anything else were not found.

11 A.M., Chur Uria. Houses of the accused were searched, but no property of the deceased were found.

9. The Head Constable Krishna Chandra Bhadra appeared and presented an additional diary relating to the proceedings taken by him, stating that he had searched the houses of the suspected accused Emdadulla, Abdul Halim, Abdul Hakim, Abdul Karim, Yakub Ali and Aminuddin. So I kept the same with this. The head constable could not find any cloths, &c., that had been with the deceased Ismail Jaigirdar or anything else, in the *ghurs* of the said accused persons.

12 A.M., Chur Uria.

10. I appointed the Head Constable Krishna Chandra Bhadra and the constable Abdul Hamid and Nur Mea to see whether any clue could be had leading to success on taking rounds through the village where the occurrence had taken place.

Between 1 and 4 P.M. Chur Uria.

11. I took round through the complainant's house and the village where the occurrence had taken place and inspected roads, *ghats*, jungles and other suspected places, but no sign or anything else leading to suspicion was found.

Between 5 and 8 P.M.
Chur Uria.

12. I talked with Nundabashi Das, Nunda Kumar Chakravarti, Abdul Rohim, Miajan Nur Mea, Kalimuddi Bepari, Arsad Mea, Ismail, Dula Mea, Abdul Aziz and others of Chur Uria, but could not get any clue leading to success in connection with the occurrence.

9 P.M.
Chur Uria.
Complainant's house.
Saw the dead-body floating on the tank's water.

13. I talked with the deceased's sons Isahak, aged 11 years, and Nural Huq., aged nine years, and came to know that they on hearing the cry of their brother Idris in the morning yesterday went out of their house and saw the corpse of the deceased floating at the *ghat* at the south-western corner of the tank in front of their house, and that they knew nothing about the occurrence.

Exhibit 27c.
A. Pennell,
Sessions Judge.
The 16th January 1901.

27th August 1900.
Chur Uria.
Complainant's house.
10 P.M.

14. I talked with the deceased's daughters Meher Abjul and Arfatunnessa, but nothing could be known leading to success in connection with the occurrence.

11 P.M.
Complainant's house.

15. The head constable Krishna Chandra Bhadra along with the constables Abdul Hamid and Nur Mea appeared and stated that they had made various enquiries on going round through the village of Chur Uria up to this time of this day, but were not successful in any way.

12 P.M.
Complainant's house.
Suspected accused Sadek Ali, Aslam, Anwar Ali and Abdul Halim were absent from their homes. Enquiry was commenced for tracing them out.

16. The suspected accused Sadek Ali, Aslam, Anwar Ali and Abdul Halim were not found at their homes, nor could it be known where they were. I remain engaged in making enquiries as to where they are and what they are doing as well as in making further enquiries, and I close the diary this day.

Osman Ali,
Sub-Inspector.

Despatched 28th August 1900, at 11 a.m. from Chur Uria through a person.

File with the diaries.

(Initial illegible).

The 29th August 1900.

EXHIBIT A1.

A. Pennell,
Judge.

The 16th January 1901.

(Translation.)

Special Diary, Section 172, C. P. C.

Informant Idris.

Case No. 36 regarding accidental death of Ismail Jaigirdar caused by his falling into the water.

Occurrence.—Between 10 a.m. of 25th August 1900 and 6 a.m. of 26th August 1900.

Date and hour.
The 26th August 1900, 9 A.M.
At the station.

1. The informant, on coming into the station at 9 a.m. of this day, 26th August 1900 stated before the senior sub-inspector of the station that he had seen the corpse of his father Ismail Jaigirdar floating, this morning on the water of the tank to the east and in front of the *daroza* of their house; that he had gone to the town yesterday at 10 a.m. for the purpose of looking after a case in the Court; that he did not know how he had come by his death. This is considered as *itala* (information) No. 36 regarding accidental death: and I am deputed to carry on an investigation in respect of this matter. So, I start for the mofussil with the constables Ramdhone and Gobinda Pali.

From 11 A.M. to 12 A.M.
Chur Uria.

2. On arriving at the house of the informant at the village of Chur Uria I called the principal men of the village stated in the margin, and in their presence saw the corpse of the deceased Ismail Jaigirdar floating reversed (with face downward) at a

Naimuddi Miji, Mahabbat Ali, Jinnat Ali and Meher Ali of Chur Uria, and Hamidulla of Parun Jagunnath.

distance of three cubits to the east from the side of the *ghat* at the south-west corner of the tank to the east of the *daroza* of the informant's house. On bringing up the corpse of the deceased from three cubits of water through Yakub Ali and Jinnat Ali of Dharmapur, and Laskar Ali of Chur Uria I examined it and found that the deceased was aged about 60 years, of dark complexion, with both hands bent upwards, one black *churi* bordered *daoti* of *naensuk* (fine cloth), as wearing cloth, tufted beard, cropped moustaches, the hair whereof being here and there grey, eyes and mouth closed, scars of small-pox on the face, one black mark of abrasion over the socket and of the right eye on the right side of the forehead, one black mark in the middle part of the forehead, and one black mark between both eyes in the middle part of the nose, marks of abrasion below the left eye, below the right eye (and) on both the lips, mark of abrasion on the back of the right ear, white mark of the parting of the skin below the neck on the left side of the breast, nose oozing out water, one mark of abrasion at the joint of the right arm, one mark of swelling on the left side of the spine on the back, one slight mark like that made with some pointed thing in the middle of the waist on the back, and blood mark at the base of the penis. There is also slight mark as that made by some pointed thing at the ankle of the right leg. The palm of the hands and the sole of the feet were stiff. Save and except these no other visible marks and wounds were found. The cause of the death of the deceased could not also be known. Nothing could be positively known how these marks and wounds were caused. I therefore draw out a report of the examination of the dead body on a separate paper, and send to the sudder hospital by a *chalan*, etc., the corpse in a cart through Ramdhone Constable for the examination of the wounds, etc., on the person of the deceased. From the nature of the wound on the dead body (I think) it is not improbable that the deceased died on being wounded by somebody. Accordingly I instructed Ramdhone Constable to take the informant with him and to inform the senior sub-inspector of the circumstances, etc., of this occurrence.

The 26th August 1900, 9 P.M. Chur Uria.

3. I engage myself in making a search in the water of the tank where the occurrence took place, in the jungle, and in the dense jungle, etc., in the neighbourhood. I came to know from the informant that the deceased had on his person one white shirt, and one fine white sheet and had also with him one old umbrella with black cloth and eight iron rods.

7 P.M.
Ditto.

Exhibit a2.
A. Pennell.
Sessions Judge.
The 16th January 1900.

4. I made a search in the water of the tank where the occurrence had taken place, in the jungle, in the dense jungle close by and in the roads on all sides. There is a road for going to and coming from the house running towards the east through the southern embankment of the tank, where the occurrence took place. A small space of ground at the distance of eight cubits to the east from the spot where the corpse was found at the south-eastern corner of the said tank was a raised one. It has been cut to a depth of two and a-half cubits, levelled with the road on the eastern side of the tank. There were the (following) marks at the said spot:—A human knee-joint mark at 16 *angulis* above the lower ground on the southern side of the road. One mark somewhat larger than the said mark twelve *augulis* above at a distance of six cubits from the said mark towards the west. Two marks of human feet at one place two and a-half cubits above the said road, and a mark like that of a human knee-joint, 12 *angulis* above the road on the northern side, and it was found that two *goada* plants higher up on the southern side had been pressed by human feet. No other marks were found. Accordingly I prepare a map of the said spot. Nothing has been known from enquiry up to this time as to the cause of the death of the deceased. The clothes, etc., which he had with him were not also found out on enquiry. Nor was the result of the examination of the corpse of the deceased received. The distance from the spot where the corpse was found to the *ghur* of the outer apartment of the house of the deceased is 39 cubits. The *basat ghur* lies at a distance of twelve cubits towards the west from the *ghur* aforesaid. I, therefore, remain engaged in carrying on further investigation, and close the diary, this day.

Krishna Chandra Bhadra,
Head Constable.

Sent 27th August, 1900, from Chur Uria at 12 a.m. through Emanuddi Chowkidar.

Filed on the 27th August, 1900.

Osman Ali,
Sub-Inspector.

Received on the 27th August, 1900, at 5 p.m.

Lukhi Kanta Chuckerbutty,
Writer Constable.

Started 28th August, 1900, 7 a.m.

(Signature illegible.)

A case, No. 13, under Section 302 of Indian Penal Code in connection with this accidental death has been instituted, so two copies of diary in respect of this matter is made over.

KRISHNA CHANDRA BHADRA,
Head Constable,
Sudharam.

The 27th August, 1900.

EXHIBIT A3.

A. PENNELL,
Sessions Judge.

16th January, 1901.

SPECIAL DIARY, No. 2.

(Translation.)

Submitted by Sub-Inspector Osman Ali, dated 27th August, 1900.

29th August, 2 A.M.
Chur Uria.

1. Complainant came to the station at 9 a.m. of the 26th August, and told me that his father, Ismail Jaigirdar, left home at 10 a.m. on the 25th August, to look after cases in town, but that he did not come back; that on the morning of the 26th he saw his father's dead body floating in the water of the tank at his doorway or *darwaja*. He made a statement saying that he did not know how his father met with his death. I accordingly recorded his statement in entry No. 36, and noted it as a case of accidental death. I deputed head constable Krishna Chandra Bhadra to make an investigation in the case.

Yesterday, I went to the Bibir Bazar for searching the shop house of the accused in case No. 12 of the current month, but found it locked and the accused absent. I was informed that the accused had gone to Santoshita Hat, and I did not think it quite proper to break open the padlock and enter the shop in the absence of the accused or anybody on his behalf, so I stationed a constable before the shop of the accused in case No. 12, and sent a man to bring his father. In the meantime I went to the dispensary, in order to ascertain the conditions of Ismail Jaigirdar's dead body in case No. 13 being accidental death No. 36 reported yesterday. When I came back to the station, the complainant in this case made an *ijahar*, saying that it was a case of murder.

ABSTRACT OF THE COMPLAINANT'S STATEMENT.

Yesterday, after the complainant had reported his case as an accidental death, Krishna Chandra Bhadra, of this station, went to his house and took up his father's dead body. It was found that the skin over the left eye had gone, that there were marks of violence on the forehead, and also on both the temples of the head. The complainant, however, failed to give a minute description of the wounds he saw in different parts of the body. He said he could not carefully look into them. From what he had seen he said he suspected that some one must have murdered his father. Sadak Ali (father's name not known to the complainant). and Lukhi Goldhar's son, Aslam of Salia; Hamid Ali's son, Emdadulla; Anwar Ali (father's name not known); Bhola Gazi's son, Abdul Halim, of Chur Uria; Osman Ali, Chowkidar of the *mohalla* and his (Chowkidar's) brother Fazar Ali (father's name not known), and Abdul Hakim (father's name not known), of Chur Uria, and Abdul Karim, also of the same place, had enmity with his father. These men, or some other enemies of his must have, he suspected, murdered his father. The said Emdadulla and Abdul Halim told the complainant to lodge an information at the thana without accusing anybody. At the time his father left home, he had a *bordered dhuti* on his waist, a white shirt on his person, and a white sheet over it. He carried a black umbrella with a bamboo handle. He had papers in the pocket of his shirt, and so forth. When the complainant made this statement, the first information report was used, but I was engaged in the enquiry of case No. 12. I made a search in the house of the accused in that case, and kept in the thana the stolen articles I had found there. I left station again at 12 p.m. accompanied by constables Rajoni Chand, Nur Mia, Ahmad Ali, and Abdul Hamid, and reached the village of occurrence, where I met head constable Krisha Chandra Bhadra, and, after having acquainted myself with the facts he had obtained up to that hour, I took up the enquiry from him.

2. I engaged Constables Rajoni Chand, Nur Mea and Head Constable Krishna Chandra Bhadra to secretly watch the movements of the suspected accused and to ascertain by walking in disguise, whether any satisfactory clue can be obtained in this case.

8 A.M.
Chur Uria.

3. Reached the complainant's house where Head Constable Krishna Chanda Bhadra and the constables accompanying him came and told me that they had gone about the village of occurrence but were unable to find any satisfactory information. I inspected the places mentioned in paragraph 4 of the diary No. 1, viz., the tank where the dead body was found, the spot on the road where there were knee impressions on the ground. I could not find anything more than what was stated in the above paragraph by the head constable. The sketch prepared by the head constable is filed herewith.

6 P.M.
Chur Uria, Complainant's house.

4. Took down the statement of complainant's mother Rokia Banu. In addition to the persons named and suspected by the complainant, she named Johiruddi's son Aminuddi of Chur Uria and Yakib Ali, (father's name not known), living in the same house with him.

6 P.M.
Chur Uria. complainant's house.
Exhibit A4.
A. P. PENNELL,
Sessions Judge.
The 16th January 1901.

5. I proceeded with constables Mahomed Ali, Rajani and Abdul Hamid to search the houses of Sadak Ali, Aslam, Osman Ali Chowkidar, Fazar Ali and Anwar Ali, who have been suspected in this matter and to see whether any blood-stained cloth, *lathies* and papers belonging to Ismail Jaigirdar or his umbrella, cloth, cap, &c., could be found. I depnted head constable Krishna Chandra Bhadra and constables Ramdhone, Gobind, and Nur Mea to search the houses of Emdadulla, Abdul Halim, Abdul Karim, Yakub Ali and Aminuddin.

7 P.M. complainant's house.

6. Arrived at the house of the above-named Sadak Ali and Aslam (they both live in the same house); but could not find them or any other member of their family. Then in the presence of the persons named in the margin and Aslam's father-in-law, Meajan, I made a search in the house of Sadek Ali and Aslam but could find no cloths or other article belonging to the deceased.

7.30 to 8 o'clock A.M. Chur Uria.
1. Abdul Rahim.
2. Nur mea.
3. Meajan.
4. Nanda Basi Das, all of Chur Uria.

7. Arrived at the houses of the suspected accused Osman Ali Chowkidar and his brother Fazar Ali who lives in the same house with him, and searched their house in the presence of the persons named in the margin and the owners, but was unable to find any cloth or other articles belonging to Islam (?) Jaigirdar. I had a talk with Osman Ali and Fazar Ali but could not elicit anything of use from them.

9 A.M. Chur Uria.
The persons named above were also present.

8. Arrived at the house of the suspected accuser Anwar Ali but could not find either him or any other member of his family. I made a search in his house in the presence of his neighbours named in the margin but could not find either cloth or any other article belonging to the deceased.

10 A.M. Chur Uria.
In the presence of the same persons.

9. Head Constable Krisnna Chandra Bhadra came and informed that he had searched the houses of the suspected accused Emdadulla, Abdul Halim, Abdul Hakim, Abdul Karim, Yakub Ali and Aminuddi. In addition to the work he did, he also filed a diary which is put up herewith. He stated that he was unable to find cloth or any other article belonging to the deceased Ismail Jaigirdar in the houses of the above-named accused.

11 A.M. Chur Uria.

10. Deputy Head Constable Krishna Chandra Bhadra with constables Abdul Hamid and Nur Mea to go through the village of occurrence and see whether they could obtain any useful information in connection with the case.

12 A.M. Chur Uria.

11. Walked about the house of the complainant and through the village of occurrence, inspected roads, ghats and jungles and other places but was unable to discover any suspicious article or mark.

1 to 4 P.M. Chur Uria.

12. Had conversations with Nanda Basi Das, Nand Kumar Chuckerbutty, Abdul Rahim, Miajan, Nur Mea, Kolimuddi Bepary, Arshad Mea, Ismail, Dula Mea, Abdul Aziz and others of Chur Uria but was unable to get any clue to the occurrence.

5 to 8 P.M. Chur Uria.

13. Had a talk with the deceased's sons, Isahak, aged 11 years and Nurul Huq, aged 9 years, who both said that in the morning day before, they heard cries of their brother Idris and went out of their house, and found the dead body of the deceased floating at the *ghat* in the south-west corner of the tank in front of their house; but they said they knew nothing more of the occurrence.

9 P.M. complainant's bari Chur Uria.

14. Enquired of the deceased's daughters, Meher Abjan, and Arfatunnessa, but was unable to find anything useful from them.

10 P.M. complainant's house.

15. Head Constable Krishna Chandra Bhadra, Constables Abdul Hamid, Nur Mea came and reported that they had gone about the village of Chur Uria and made various enquiries but no effect.

11 P.M. complainant's house.

OSMAN ALI,
Sub-Inspector.

16. Could not find the suspected accused Sadek Ali, Aslam, Anwar Ali and Abdul Halim in their house; could not know also their whereabouts. I shall enquire where they have gone and for what purpose and make further investigation into the matter. I close the diary for this day.

Exhibit a5.
A. P. PENNELL,
Sessions Judge.
The 16th January 1901.

27th August, 12 P.M. complainant's house.

OSMAN ALI,
Sub-Inspector.

Despatched at 11 a.m. of this 28th August, from Chur Uria through bearer.

(On back in English.)

The sub-inspector must make every endeavour to trace the accused.

W. Y. R.

The 29th August.

EXHIBIT A6.

A. P. PENNELL,
Sessions Judge.

The 16th January, 1901.

TRANSLATION OF THE STATEMENT OF ROKIA BANU BEFORE OSMAN ALI SUB-INSPECTOR.

Statement recorded under Section 161 of Rokia Banu, widow of Ismail Jaigirdar, of Chur Uria, on the 27th August, 1900.

Itlah No. 13.

Idris Mia ... ... *Complainant*,

versus

Sadak Ali and others ... ... *Suspected accused.*

Case under Section 302.

Question: At what hour on Saturday last, your husband left home and for what place? Did he return home that day? *Answer*: Last Saturday at about 14 *ghoris* in the day my husband said that he would go to the Sudharam *cutchery*. Accordingly he started from the house. He said he had a case there. I cannot say what case was it. He did not come back home again.

Q.: When he left home for *cutchery*, did anybody accompany him? What articles he had with him? *A.*: From our house, nobody accompanied him. He took Rs. 6 with him for purchasing cloth? He had a black bordered *dhuti* on his waist and a white shirt on his person and a muslin sheet over it. On his head, he had cap of thin, fine cloth. He carried a black umbrella having a bamboo handle. He had a bundle of papers in the pocket of his shirt. What those papers were I cannot say. He had no other articles with him.

Q.: Do you know anything as to how your husband met with his death? *A.*: On the morning of day before yesterday, Saturday, at the time of saying morning prayers, my son Idris Mea cried out from the *darwaja* of our *bari* in loud voice. "Oh mother, some one has killed my father and thrown his body into the water." Upon this, I with my daughters Meher Abjan and Arfatunnessa went towards our *darwaja* to see what was the matter. I saw there Musa Mea Moulvi, Noimuddi Miji, and 20 or 25 others (whose names I do not recollect) coming to the spot on hearing the cries of my sons and daughters. When we reached the *darwaja* my son Idris told me that my husband's dead body was floating on the water at the *ghat* near the south-western corner of the tank (in front of our *darwaja*). The villagers told me that the body should be taken up after lodging an information at the Thana. After this, Idris Mea went to the Thana. A Jemadar then came from the Thana and the body was taken up from the water at 12 or 14 *gharis* of the day and despatched to the dispensary. It was my husband's dead body. My neighbours and *ryots* Lukhi Goledar's son Asan, Osman Ali Chowkidar, his brother Fazar Ali, Hyder Ali's son Anwar Ali, Hamid Ali's son, Emdadulla, Monu Khalifa's son Abdul Karim, Yakub Ali, Abdal Hakim, (father's name not known), Sadek Ali, Bhola Gazi's son Abdul Hakim, and also my neighbour Johuruddi's son Aminuddi, had enmity with my husband on various account. I suspected that they must have killed my husband. There was a storm shortly before sunset on that Saturday. It was over a little before midnight. I was awake and was waiting for my husband till midnight. After that hour, I thought my husband would not come on account of the storm as the night was dark. I thought he must have stayed at the house of some one. I then fell asleep and do not know what happened next. Many others had also enmity with my husband, but I do not suspect only those already named. I believe my husband was seized and killed by the enemies on his way back from the town in the darkness of night and then his body was thrown into the tank. I do not know if anybody saw the occurrence. The said Yakub Ali, Aminuddi and Abdul Hakim live in the same house.

Q.: Was your husband suffering from any disease? *A.*: No.

OSMAN ALI,
Sub-Inspector.

EXHIBIT A7.

A. P. PENNELL,
Sessions Judge.

The 16th January 1901.

EXHIBIT A8.

ADDITIONAL DIARY WRITTEN BY KRISHNA CHANDRA BHADRA, DATED THE 27TH AUGUST, 1900.

Filed 27th August, 1900.

OSMAN ALI,
Sub-Inspector.

Idris Mea ... ... *Complainant*,

versus

Sadak Ali and others ... ... *Defendants.*

Itla No. 13, 26th August 1900, 7½ p.m. to 8½ a.m., 25th August 1900, from 10 a.m. to 26th August 1900, 6 a.m.

27th August 2 A.M., Chur Uria.
Exhibit A8.
A. P. PENNELL,
Sessions Judge.
The 16th January 1901.

1. A complaint having been lodged in connection with the death of Ismail Jaigirdar entered in No. 36 as a case of unnatural death, saying that it is suspected that he was murdered by Sadak Ali and others, the senior Sub-Inspector of the station, came to the place of occurrence to investigate the matter and I acquainted him with all the circumstances of the occurrence.

3 A.M. Chur Uria.

2. The senior Sub-Inspector deputed me and Constables Rajani Chand and Nur Mia to watch the movements of the suspected accused and to secretly go about the place and see whether any useful information could be obtained in the matter. I accordingly took up the work.

6 A.M.

3. Up to this hour, I secretly walked with the suspected persons making various enquiries, but I was unable to find any clue. I reported this to the Sub-Inspector.

7 A.M.

4. Being entrusted with the work of searching the houses of the suspected accused, Emdadulla, Abdul Halim, Abdul Hakim, Abdul Karim, Yakub Ali and Aminuddi, I start for their houses with Constables Ramdhone, Gobind and Nur Mia.

7.30 A.M.
1. Fazlar Rahaman.
2. Mahomed Hossain.
3. Nand Kumar, Chuckerbutty, all of Salla.

5. Having arrived at the house of suspect Emdadulla, I found him and made a search in his house in the presence of himself, his father and the persons named in the margin, but could find neither cloth nor any other article belonging to the deceased.

Had also a talk with the suspected accused Emdadulla but was unable to elicit any useful information from him.

6. With the persons accompanying me, I arrived at the house of the suspected accused, Abdul Hakim, whom I met, and then regularly searched his house with Constable Nur Mia in the presence of the persons named in the margin, but could find neither cloth nor any other article belonging to the deceased. Had conversation with Abdul Hakim but could elicit no information from him..

8 A.M.
1. Fazlar Rohaman.
2. Mahomed Hossain, of Chur Uria.
3. Nand Kumar Chuckerbutty, of Uria.

7. Met Abdul Karim and searched his house in the presence of the above-named persons but to no effect. Had conversation with the suspect Abdul Karim, but could elicit no information from him.

8.30 A.M., Chur Uria.
In the presence of the above persons.

8. Reached the house of Abdul Abdul Hakim, but could not find him; searched his eastern (*bhiti*) house in the presence of his father-in-law, Yakub and the persons named above but to no effect.

9 A.M., Chur Uria.
In the presence of the same persons.

9. Reached Yakub Ali's house and met Yakub Ali, then made a search in his house in his presence, and in the presence of the persons named in the margin, but to no effect. Had a talk with Yakub Ali, but could elicit no information from him.

10 A.M., Chur Uria.
1. Abdul Rahim.
2. Amjad Bepari.
3. Nur Buksh, of Salla.

10. Met the accused Aminuddi and searched his house in the presence of the above-named persons, but to no purpose. Had conversation with Aminuddi, but could elicit no information from him.

10 A.M., Chur Uria.
1. Abdul Rahim.
2. Amjad Bepari.
3. Nur Buksh, of Salla.
In the presence of the said persons.

11. Went to Sub-Inspector and told him the result of my enquiry till then.

11 A.M.
Chur Uria.

12. Still remain engaged in the case by order of the Investigating Sub-Inspector, made further enquiries, but to no effect. Here I close the diary for the day.

12 A.M.
Chur Uria.

KRISTO CHUNDER BHADRA,
Head Constable.

EXHIBIT A9.

SPECIAL DIARY NO. 3, SUBMITTED BY OSMAN ALI, DATED THE 28TH AUGUST, 1900.

Idris Mea ... ... *Complainant*,

versus

Sadak Ali and others ... ... *Defendants*.

No. 13, dated 26th August 1900, from 7½ p.m. to 8½ p.m.

Occurrence took place between 10 a.m. of 25th August and 6 a.m. of 26th August 1900.

1. A letter was received intimating me that the district superintendent of police will reach this morning the place of occurrence in this case; and so I stayed in the house of the complainant awaiting his arrival from the morning. The District Superintendent came to the complainant's house at 8 a.m., and I showed him the spots where the deceased's dead body was found in the tank and also the tank and its embankment and those places on the road where the impressions caused by the knee of the deceased were found and also other places. The District Superintendent had a conversation with the complainant, his mother, Rokia Banu, and the suspect Osman Ali Chowkidar, and then signed the Diary No. 2 submitted by me yesterday, and also the statement of Rokia Banu. In addition to the facts she stated before me, Rokia Banu, widow of the deceased, stated further before the District Superintendent that the accused, Osman Ali Chowkidar, had offered the deceased Rs. 4 for rent at his (deceased's) mosque at the time of saying prayers on Friday; but the deceased told the Chowkidar that as he, Chowkidar, had realized the Chowkidari tax last year by attaching his (deceased's) properties the deceased also in his turn would not accept rent without similarly attaching his (Chowkidar's) properties. It also appeared from her statement that the deceased had instituted rent-suits against Anwar Ali, Aslam, and Korim Buksh. But when the District Superintendent asked Osman Ali Chowkidar about this rent affair, he denied having any quarrel with the deceased in connection with it This suspected accused further stated that on the morning of Saturday last he went to the market at Shudharam for selling milk with his neighbours Aminuddi and Aku, and that he returned home with them at 12 or 1 o'clock of that day.

28th August 10 A.M.
Complainant's house.

Exhibit A9.
A. P. PENNELL,
Sessions Judge.
The 16th January 1901.

On being asked by the District Superintendent, the complainant stated that the suspected accused Emdadulla and Abdul Halim took him in the morning following the day of occurrence from his house to the town for reporting the death of his father and that they also accompanied him even to the Thana. It should be noted here that, as a matter of fact, I saw two or three other men in the company of the complainant at the thana, but I took these men to be outsiders and so turned them out at the time. I recorded the statement of unnatural death. I have not till now seen Emdadulla and Abdul Halim. These men were not known to me before; but if I see them, I shall most probably be in a position to say whether they were really present at the time with the complainant.

When questioned by the District Superintendent, the widow of the deceased stated that the suspected accused and other *ryots* had used to come occasionally to the house of the deceased, but that she could not say whether any of these men came to his house on Saturday last.

Having finished his work and given me instructions for making enquiries in different ways, the District Superintendent left for the Sudder Office at 10 o'clock. At the time of his leaving he went to the house of Aslam and Sadak Ali (who both live in the same house), but could meet none of them.

11 A.M.
Chur Uria.

2. Mahomed Ali Constable said that a bearer residing in Mouzah Kallanbhanga had told him that the deceased while proceeding homeward was met in the evening of Saturday last by one Abdul Aziz Constable, of Chur Uria, near the house of Asadulla, of Salla. This constable, it appeared, came from Tipperah and was staying at his home on leave. Constable Mahomed Ali was ordered to go and bring this constable.

12 A.M.
Chur Uria.

3. Naimuddi Miaji, his son Musa Mia, Moulvi Abdul Aziz and his neighbour Belu Mia (all of whom are neighbours of the complainant and the accused), being questioned denied having any knowledge of the occurrence. They only said that on hearing the cries and lamentations in the house of the complainant on Sunday last, they went from their home and found complainant's dead body floating in the tank in front of the complainant's house; that the complainant (deceased ?) was a litigious person and had lawsuits against a number of men, that they (deponents) were not on friendly terms with the accused and that they believed that he was murdered by some of his enemies. Constables Gobind and Ramdhone sent back to station.

1 P.M.
Chur Uria.

4. Till now no useful information has been obtained. I deputed Head Constable Krishto Chunder Bhadra and Constables Abdul Hamed and Nur Mia to secretly make enquiry in this case.

Exhibit All (?).
A. P. Pennell.
Sessions Judge.
The 16th January 1901.

28th August.
3 P.M.
Chur Uria.

5. Mahomed Ali Constable brought in Abdul Aziz Constable, who, being asked, stated that at about 7 o'clock in the evening of Saturday last, he found Elahi Buksh, son of Asad Molla, engaged in talking with the deceased on the public road at the *darwaja* of Asad Mollà, of Salla, when Constables Abdul Aziz and Ahmadulla, son of Tamizuddi Munshi, of Chur Uria, joined them. These two men were also coming from Sudharam. It was dark and raining at the time. Elahi Buksh entreated the deceased to stay at his house for the night; but the deceased said that he had so many enemies that he could not keep away from home at night; so saying the deceased hastened towards home. Elahi Buksh then took hold of his hands and pressingly asked him to stay: but the deceased told him not to pull his hand lest the cloth he had under his arm fell down. When Abdul Aziz saw the deceased walking fast towards his home, he asked him to walk slowly, telling him that he and others were also going with him. In reply to this the deceased said that he had no one in his house and so he must walk fast; that so saying the deceased walked as fast as he could; that the deceased had no shirt on; that he had only a sheet on; that he carried a black umbrella over his head; that they were following him; that they saw him turning from the public road to the village road near the house of Amanuddi Sepoy, east of Kalabhanga tank. The Constable further said that the deceased had many enemies, and he believed that he was killed by some of them. The house of that Constable Abdul Aziz is at a distance of about half a mile, but he said he had no sort of connection with him.

6. Imamdi Chowkidar has been sent to bring the above-named Elahi Buksh and Ahamadulla Constable.
4 P.M., Chur Uria.

7. Walked about the village of occurrence, but could not find any article or any useful information anywhere.
4 P.M. to 7 P.M.

8. Imamdi Chowkidar came and reported that he could not find Ahamadulla and Elahi Buksh; but he was again told to bring them.
8 P.M., Chur Uria.

9. Head Constable Kristo Chunder Bhadra, accompanied by his constables, came and reported that he could not find any useful information. I remained at the village of occurrence for the day, and closed the diary.

10 P.M.
Chur Uria.

OSMAN ALI,
Sub-Inspector.

EXHIBIT A12.

A. P. PENNELL,
Sessions Judge.

The 16th January, 1901.

Despatched 29th August, 3 p.m. From town per bearer.

EXHIBIT A13.

A. P. PENNELL,
Sessions Judge.

The 16th January, 1901.

SPECIAL DIARY NO. 4 SUBMITTED BY THE SUB-INSPECTOR, OSMAN ALI, DATED THE 29TH OF AUGUST, 1900.

7 A.M.
Chur Uria.

I, Imamdi Chowkidar, come in with Elahi Buksh and Ahamudullah.

Ditto.

2. These men were questioned, and the answers they gave tallied with those given by the Constable Abdul Aziz, recorded in paragraph 5 of Diary No. 3. These men said that they had no connection with the deceased. Ahmadullah's house stands at a distance of a mile and a half to the west of the house of the deceased; and Elahi Buksh's house stands towards the north-east corner at a distance of one mile. It has been already recorded that Abdul Aziz's house is (½) half a mile away from the house of the deceased. There seems to be no reason to disbelieve these men. From the circumstances, it is evident that the occurrence took place during Saturday night after daylight. Henceforth, the night of occurrence will mean Saturday night.

8 A.M.
Chur Uria.

3. Nundabasi Das, of Chur Uria, who comes to me of his own accord, being asked, said that he knew nothing of the occurrence, but that he was told by Umar Ali, Umed Ali, and others, of Salla, that they met with the deceased on the road at seven o'clock on the night of occurrence. Hasan Ali Chowkidar was sent to bring these men.

10 A.M.
Chur Uria.

4. Hasan Ali Chowkidar comes with Umar Ali and Umed Ali. They, being questioned, Umar Ali states that at seven o'clock on the night of occurrence he met the deceased on a culvert on the the public road in the east of Utshaba tank. The deceased was then going towards his home. Umed Ali says that he met the deceased at the same hour at the north-west corner of the above tank. He, too, saw the deceased going towards his home. These two deponents said that they both saw the deceased with (plain) shirt and a white sheet on, carrying a black umbrella over his head.

10 A.M. Chur Uria.

5. Osman Ali Chowkidar has been told to see whether the accused are at home or not.

11 A.M. Chur Uria.
(In English).
The Sub-Inspector should have recorded their statements under Section 161, Criminal Procedure Code. W. Y. R.
The 31st August.
P. sent. W. Y. R.

6. Osman Ali Chowkidar having brought in the suspected accused, Sadak Ali and Aslam, I had a talk with them, but I could not elicit any useful information from them. I told these men and Osman Ali Chowkidar to tell the other suspected accused to come and see me, in case they happened to meet them.

12 A.M., Chur Uria.

7. It appears from the statement of the widow of the deceased that the deceased had taken money from home to buy cloth, and also it appears from what Abdul Aziz (constable), Elahi Buksh, and Ahmadulla had said, that the deceased had some cloths with him. To ascertain whether the deceased purchased cloth from Sudharam market, and whether he had any other man in his company, and particularly to inform the District Superintendent and also the Inspector Babu all about the case, I start for the

Sudder Station with the Constables Abdul Hamid and Rajani, leaving Head Constable Kristo Chunder Bhadra and Constables Ahamad Ali and Nur Ali at the place of occurrence.

From 2 P.M. to 4 P.M., Town.

8. Having reached town, visited several cloth-shops, but could not ascertain whether the deceased purchased any cloth from any shop, or whether he had any other person in his company.

4 P.M., Station.

9. Met the Inspector Babu at the Thana, and told him all about the case.

5.30 P.M., Station.

10. Informed the District Superintendent of Police all about the case, and having finished my meal, prepared myself to start back for the place of occurrence. Though it is necessary to ascertain, by enquiry at the town, whether the complainant went to the lodging-house of the *mokhtar* Ashruf Ali accompanied by the suspected accused, Emdadullah and Abul Halim, whether they had any conversation with the *mokhtar*, whether the deceased went to any other pleader or *mokhtar's* lodging or attended the Bhulua cutchery on Saturday last, and also against whom the deceased had law suits; still, I cannot but go to the place of occurrence. I keep all these for future enquiry, thinking it is more proper for me now to start for the place of occurrence.

7 P.M., Town.

11. Accompanied by two constables, I leave for the place of occurrence.

9 P.M., Chur Uria.

12. Having reached the place of occurrence, stayed there. I gathered from the Head Constable that nothing now has been discovered since I left the place.

12 P.M. Chur Uria.

13. No useful information has been received till now. I, accordingly, close the diary for the day.

OSMAN ALI,
Sub-Inspector.

Despatched 30th August, 1900, 1 p.m. from Chur Uria through a man.

EXHIBIT A14.

A. P. PENNELL,
Session Judge.

The 16th January, 1901.

EXHIBIT A15.

SPECIAL DIARY, NO. 172, CRIMINAL PROCEDURE CODE, POLICE STATION, SUDHARAM.

Idris Mea ... ... *Complainant*,

versus

Sadak Ali and others ... ... *Defendants*.

Section 302, Indian Penal Code.

Number and date of 1st Information Report.—No. 13, dated the 26th August, 1900, at 7.30 p.m. to 8.30 a.m.

Occurrence.—Between the 25th August, 1900, 10 a.m., and 26th August, 1900, 6 a.m.

Date and hour.—30th August, 1900.—6 a.m., Chur Uria.

No. 1. Osman Ali Chowkidar produced the suspected defendants, Emdadullah, Sadek Ali, Aslam, Fazar Ali, Anwer Ali, Abdul Halim, Abdul Karim, Yakub Ali, and Abdul Hakim. Upon a close observation of these persons, I fully remember that I saw the aforenamed Abdul Halim and Emdadulla in the company of the complainant when he lodged information about the unnatural death. I talked to each of them separately, and to all of them together, but without any effect; only that Emdadullah and Abdul Halim admitted that they had accompanied the complainant, and had been to the lodging of Mukhtar Asraf Ali. They did not admit, however, that they had instructed the complainant to say that he entertained no suspicion about the death of his father. They say that the complainant being their neighbour and merely a boy, they had accompanied him to the town.

The Sub-Inspector does not seem to have questioned the accused as to the actual occurrence or whether they were present. The Inspector must see that important points are made quite clear.

W. Y. R.

The 1st September.

They say they know nothing.

2. The suspected Emdadulla says that he is a tenant of the deceased; that the deceased sued him for rent some five or seven years ago; that he came to the house of the deceased on Sunday morning on hearing some noise, and saw the dead body of the deceased floating on the surface of water.

Ditto. Ditto.

The defendant, Juman Ali Chowkidar, says that he and his brother, Fazir Ali, cultivate 12 gundas of land belonging to the deceased. They are *jotedars* paying a rent of Rs. 5, of which a rent of Rs. 4 remains unpaid, and I came to the house of the deceased on Sunday morning on hearing some noise, and saw the dead body of the deceased floating on the surface of water.

The defendant, Abdul Halim, says that there existed no enmity between himself and the deceased, Ismail Jaigirdar; that Ismail Jaigirdar had purchased a four annas share of his house; that the said Jaigirdar once brought a case of assault against him, which was dismissed; that in the morning of Saturday last, he came to the complainant's house on hearing cries of lamentation, and saw the dead body of the deceased floating in the tank in front of the complainant's house at the *ghat* at the south-west corner of that tank; and that the wife of the deceased told him that the deceased was suffering from nervous disease, and that it was probable that his head turned, he fell into the water and died.

The defendant, Sadek Ali, says that he is a tenant of the deceased, and he owes a rent of Rs. 7-8 annas for the current year; that 12 or 14 years before the deceased had once sued him for enhancement of rent and brought a case of assault against him; and that on Sunday morning he had gone to town to sell milk.

The Defendant, Aslam, says, that he is a *ryot* of the deceased; that the deceased once sued him for rent; and that on Sunday morning he came to the house of the deceased on hearing a noise, and saw the dead body of the deceased floating on the water.

The defendant, Anwar Ali says, that he is a *ryot* of the deceased; that the deceased brought a rent-case against him, in which he has filed an answer; and that on last Sunday morning he went to work, and did not see the dead body.

The accused, Fazar Ali, says that he and his brother, Osman Ali Chowkidar, cultivate 12 gundas of land belonging to Ismail Jaigirdir and owe Rs. 4 on account of arrears of rent; and on coming to the complainant's house after hearing a noise on Sunday morning he saw the dead body of the deceased floating on the surface of water.

The accused, Abdul Halim, says that on Wednesday preceding the day of occurrence he had gone to Bhavanigunge in connection with his practice as *kabiraj* (native physician); that three or four years ago the deceased brought a case of assault against him and Abdul Halim, Abdul-Karim and Sadek Ali, which was dismissed; and that he returned home on Monday last.

Exhibit A16.
A. PENNELL,
Sessions Judge.
The 16th January 1901.

Abdul Karim, defendant, says that three or four years ago Ismail Jaigirdar brought a case of assault against him and Abdul Halim, which was dismissed; that in the morning of Sunday last, he went to the complainant's house on hearing a noise, and saw the dead body of the deceased floating on the surface of water.

The defendant, Yakub Ali, says that Ismail Jaigirdar is the brother of the accused Abdul Hakim, that about three or four years ago, the deceased brought a case of assault against him and Abdul Hakim, which was dismissed, and that he went to the complainant's house in the morning of Sunday last on hearing some noise, and saw the dead body of the deceased floating on the surface of water.

The accused, Aminuddi, says that his house was mortgaged to Ismail Jaigirdir, that Ismail had it sold by auction in execution of his decree for debts and purchased it himself, that he having cut a tree from that homestead, Ismail Jaigirdar brought a case against him, in which he was fined Rs. 15, but the fine was remitted on appeal, and that in the morning of Sunday last when he came to the complainant's house on hearing some noise, he saw the dead body of the deceased floating on the surface of water.

9 A.M. to 11 o'clock, Chur Uria.

3. I conversed with all the above-named accused together, but without any effect.

11 A.M., Chur Uria. Arrival of the Inspector Babu.

4. The Divisional Inspector arrived for supervising the proceedings in this case. I shewed him the place, &c., where the dead body was found.

12 A.M. to 4 P.M., Chur Uria.

5. I conversed with Miajan Bepari, Abdul Rahim, Umar Jan, Fuzlar, Rohoman, Abbas Ali, Keramut Ali, Abdul Aziz, Naimuddi Miji, Nur Mia, Musa Mia Moulvi, Amir Ali, Maslim, Arshad Mia, Ala Mia, Summad Ali, Roshon Ali, Abdul Salam, Yakub Ali, Abdul Karim Miaji, Rahim Buksh, Keramut Ali No. 2, Mahomed Kamin, Luskar Ali, Romzan Ali Khalifa, Sadek Ali Mia, Bukshi Farazi, Kala Mia, Arshad Mia, Ismail Mia, Ershad, Abdul Latiff Chaprasi, Asrap Ali and Amir Khan of the village of occurrence, but got no useful information from them. They do not suspect the defendants to be the cause of the occurrence. The above-named Luskar Ali, Romzun Ali Khalifa, Sadek Ali Mia, Bukshi Farazi, Kala Mia, Asad Mia, Ismail Mia, Ershad, Abdul Latiff Chaprasi, Asraf Ali and Amir Khan did not see the dead body of the deceased. The remaining persons named

above saw the dead body of the deceased floating on the surface of water near the *ghat* at the south-west corner of the tank in front of the eastern *daraja* of the house of the complainant, in the morning of Sunday last. They pointed out the said *ghat*. The *ghat* consists of seven logs of cocoanut wood used as steps. People use the water of the said tank by the said *ghat*.

5 to 6 P.M., Chur Uria. 6. I conversed with the deceased's sons-in-law, Oliulla and Yakub Ali, and *Baibahik* Tajuddi Khalifa, Mirjani Jagirdar, and the complainant about the occurrence, but without any useful result.

OSMAN ALI,
Sub-Inspector.

EXHIBIT A17.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

30th August 1900, 7 to 11 P.M., Chur Uria. 7. I roved incognito in the village of the occurrence making various enquiries, but without any success.

11 P.M., Chur Uria. 8. I undertake to make further inquiry. I close the diary for the day.

OSMAN ALI,
Sub-Inspector.

Despatched from Chur Uria at 4 p.m., dated the 31st August, 1900.

Let a *purwana* issue for insertion of the hour and date of the return of the Divisional Inspector from the place of occurrence. Dated the 11th September, 1900.

W. Y. R.

EXHIBIT A18.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE, POLICE STATION, SUDHARAM.

Idris Mea ... ... *Complainant,*

versus

Sadek Ali and others... ... ... *Suspected Defendants.*

Section 302, Indian Penal Code.

Number and date of 1st Information Report.—No. 13. The 26th August 1900 from 7½ p.m. to 8½ p.m.

Date of occurrence.—From 10 a.m. the 25th August 1900, to 6 a.m. the 26th August 1900.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, etc. Section 169, Criminal Procedure Code.—

Date and hour 6 A.M. The 31st August 1900. Chur Uria. 1. The Divisional Inspector having expressed his desire to converse with the village *punchayet*, the people of the village and with the defendants, I send Mirun Daffadar for bringing the *punchayets* into attendance.

7 A.M. Ditto. 2. I depute the Constables Nur Mia and Abdul Hamid for bringing into attendance the people of the village, the suspected defendants, and the men of the the neighbouring villages.

8 A.M. to 11 A.M. Ditto. 3. I, and the Head Constable, Christo Chunder Bhadra together with the Constables Mahomed Ali and Rojoni roamed about in the village and in the neighbouring villages and made inquiry both secretly and openly, but could not obtain any clue, or gather any information as to how, where, and by whom was the deceased murdered.

12 A.M. to 2 P.M. Chur Uria.

4. Tuku Munshi, Owali Bepari Punchayet, Miajan Bepari, Abdul Rohim, Omarjan, Fazlu Rahman, Abbas Ali, Abdul Aziz, Nymuddi Miji, Nur Mia, Musa Mia, Moulvi Ramzan Ali, Ameer Ali, Moslim, Arshad, Ala Mia, Samud Ali, Roshan Ali, Abdul Selam Miji, Yakub Ali, Abdul Karim, Rohim Buksh, Asruf Ali, Keramut Ali, and others of the village having appeared, the Inspector had a talk with them on various points connected with the occurrence. But nothing transpired leading to the detection of the offender or giving any information over and above particulars these persons had stated before.

The 31st August 1900. From 3 P.M. to 6 P.M. Chur Uria.

5. The Punchayet Mahomed Amjad Mia, Ram Cumar Das, Wajuddi Khalifa, father-in-law of the son of the deceased, Mirza Ali Jaigidar, Oliullah, son-in-law of the deceased, Yakub Ali, Keramat Ali, son-in-law of the brother of the deceased, and the suspected defendants Sadak Ali, Osman Ali Chowkidar, Furzan Ali, Yakub Ali, Imdadulla, Anwar Ali, Abdul Halim, Abdul Hakim, Aminuddi, Abdul Karim and Aslam—all these persons having appeared, the Inspector Babu held conversation with them. The defendants as before denied all knowledge of the crime and stated that they knew nothing as to where the deceased was murdered and at what time, for what reason and by whom.

7 P.M. Chur Uria.

6. So far as the inquiry has been made, I have not received either any direct evidence or any circumstantial evidence as to where the deceased was murdered, and by whom, for what reason and at what time. There being enmity between the deceased and some people of the village and there having been carried on a long course of litigation between the villages and the deceased, it is probable that the deceased was murdered by these persons. But the people of the village have entered into such a combination that nothing can be gathered from them, nor is there any hope that they can be made in a short time to give any information on the subject. However, I will try to the utmost of my power to make the inquiry and to arrest the person really guilty.

From 8 P.M. to 10 P.M.

7. I with (one word illegible) roam about in the village where the occurrence took place and conversed with several men, but I have not been able to get any information from any person that might afford a clue. I therefore engage the Constables Nur Mia and Abdul Hamid to hold inquiry ~~in private, while I myself~~ remaining engaged in making inquiry into the other particulars—close the diary for to-day.

Despatched—the 1st September 1900, at 2 p.m. from the town by a messenger.

OSMAN ALI,
Sub-Inspector.

EXHIBIT A19.

A. PENNELL,
Sessions Judge.

The 16th January 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE, POLICE STATION, SUDHARAM.

Idris Mea ... ... *Complainant,*

versus

Suspected Sadak Ali and others ... ... *Defendants.*

Section 302, Indian Penal Code.

Number and date of first information report.—No. 13—laid at 26th August 1900, from 7½ p.m. to 8½.

The occurrence took place.—Between 25th August 1900, 10 a.m. to 26th August 1900, 6 a.m.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, etc.—Sections 169, Criminal Procedure Code.—

Date and hour—1st September 1900, 6 a.m. Chur Uria.

1. I depute Constables Nur Mia and Abdul Hamid to inquire whether the deceased after coming to the town on the day of the occurrence consulted any pleader or *mukhtear* and against what persons he instituted suits for recovery of rent, whether he went to the *cutcheri* of his landlord, the zemindar of Bhulua, etc., whether there was any person accompanying him, and on other similar subjects, as well as to inquire whether the

suspected defendants or any of their relatives, after the occurrence, consulted any pleader or *mukhtear* of the town and instructed these Constables to go to the headquarters for informing the District Superintendent of the particulars of the occurrence, and to hold a secret inquiry at the village where the occurrence took place, and I depute the Head Constable, Kristo Bhadra for making inquiries in the neighbouring villages.

9 A.M., in the town at the Bhulua Cutchery.

2. After arriving at the *cutcheri* at Bhulua I had a talk with Babu Bussunt Kumar Sen, *mukhtear* and Nobo Kumar Pal, *mohurir* of the said *cutcheri* and with other persons. But it does not appear that the deceased Ismail Jaigirdar had gone to the *cutcheri* at Bhulua on last Saturday.

10 A.M., Munder Khola in the Town.

3. I held conversation with the *mukhtears* Moulvi Abdul Aziz and Munshi Asruf Ali and I learnt that on Sunday last in the morning at about 8 a.m., the son about 16 or 17 years old (whose name was not known) of Ismail Jaigirdar with three other persons (name not known) accompanying him, had gone to them and stating that the dead body of Ismail Jaigirdir was floating on the water of their tank, asked their advice as to what statement they would make (to the Police). Upon this the two muktears advised them to make a true statement. But they did not remember whether the persons who were accompanying the said son spoke anything.

From 11 A.M. to 4 P.M., in the Town.

4. I roved about in the town and made inquiries; but I could learn nothing as to whether on Saturday last any person came with the deceased from the house to the town or whether when the deceased returned home from the town there was any person accompanying him.

5 P.M., in the Town.

5. I made known this much of the result of the inquiry to the District Superintendent of Police and to the Divisional Inspector.

7 P.M., in the Town.

6. It appears that the Pleader Babu Kali Cumar Dass has gone to Lukhipura on some important business. On asking his Mohuirir Girish Chunder Aich, I learned that he saw Ismail Jaigirdar up to 5 p.m. on the aforesaid Saturday at the *cutchery*, looking after the rent-suit brought by his wife against Karim Buksh but he did not know where he (the deceased) afterwards went and whether he had any other person accompanying him.

8 P.M., in the Town.

7. From the enquiry carried on up to the present time it appears that the deceased on the day of the occurrence came to the town for looking after a civil suit, and after doing the work connected with the said case up to 5 p.m. in the town, went back in the direction of his home, and that Ilahi Buksh and others saw him at 7 p.m., at a place lying to the north-east of his house, at a distance of about one mile therefrom, and that on the day following in the morning his dead body was found in the tank lying to the east of his house. Hence it may be inferred that he was murdered at some place in the way leading from the house of Ilahi Buksh to his own house. He had several enemies in his own village and in the neighbouring villages, and he was extremely fond of litigation, so much so that at times he used, at his own expense, to assist persons in getting up cases against their neighbours and to manage the cases himself. The deceased was about 60 years old. It does not appear from the statement of any person that he had any love intrigue with any woman and that he was murdered on that account. Nor does any person say that he used to commit any offences such as the theft, &c., and no one conjectures that he was killed in committing such offences. There was heavy downpour of rain in the night of the occurrence, and the wind was very high. The night was extremely dark. It may, therefore, be reasonably inferred that he was murdered by his enemies in the way at the aforesaid time while he was going home. Under such circumstances there is very little expectation of getting any eye-witnesses to the said occurrence; and so long as any person of his own accord does not give out the real facts, there is no hope of obtaining any clue. However, I represent the proceedings held by me to-day in this diary, while trying to set forth the real state of things to the utmost of my power, and remaining watchful to discover and arrest the person who has committed the crime.

Exhibit A20.
A. PENNELL,
Sessions Judge.
The 16th January 1901.

OSMAN ALI,
Sub-Inspector.

Despatched 2nd September, 1900, 1 p.m., from Chur Uria by a messenger.

EXHIBIT A21.

A. P. PENNELL,
Sessions Judge..

The 16th January, 1901.

SPECIAL DIARY. SECTION 172, CRIMINAL PROCEDURE CODE, POLICE STATION, SUDHARAM.

District Superintendent of Police.
Received
The 4th September 1900.
NOAKHALI.

W. Y. R.

No. 8.

Idris Mea	...	*Complainant,*
	versus	
Suspected Sadak Ali and others	...	*Defendants.*

Section 302, Indian Penal Code.

No. and date of 1st Information Report.—No. 13, the 26th August 1900—7½ p.m. to 8½ p.m.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, &c.—Section 169, Criminal Procedure Code.—

Occurrence.—Between 10 a.m. of 25th August, 1900, and 6 a.m. of 26th August, 1900.

Date and hour—2nd September 1900, 7 to 10 A.M., Chur Uria.

1. After having stated the detailed circumstances of this occurrence (case ?) in the Special Diary No. 7, I, with (my) subordinates, made, during the night various enquiries secretly and in disguise in the village in which the occurrence took place and in the neighbouring villages; but to no effect. An account of this day's proceedings is given *seriatim.*

Ditto.

2. I roamed about in the fields and entered into conversation with certain *rakhals* (cow-herds). Except the fact that they had heard of the deceased having been murdered, no information fit to give a clue was obtained from any one.

Ditto.

3. By conversing with Ala Bux, Atar Ali, Wasin, Emdadulla and Meher Ali of the village of occurrence, I could not obtain any information as to where and by whom the deceased was murdered.

From 11 A.M. to 1 P.M., Chur Uria.

4. I made enquiries of the wives of the neighbours of the deceased suspected as accused, viz., of Hazra Khatun the wife of Abdul Halim, of Khatija Banu the wife of Abdul Halim, of Sumrut Banu the wife of Aminuddi, of Hazra Khatun the wife of Yakub Ali, of Abida Khatun the wife of Abdul Karim, of Syeda Khatun the wife of Emdadulla, of Asmuturunnessa (the wife of) Osman Ali Chowkidar, of Rokia Banu the wife of Fazar Ali, of Asad Banu the wife of Sadak Ali, and of Atar Banu the wife of Aslam: but could not obtain any information fit to give a clue for the investigation of the occurrence. From the wives of Aslam and Sadak Ali I learnt that they had gone to their respective paternal homes two or three days before the occurrence. From Abdul Halim's wife I learnt that before the occurrence her husband went towards Kalna and Baligunge to practice as Kabiraj and that he came back home two days after the occurrence. The other suspected persons appeared to have not been absent from their respective houses on the night of the occurrence.

From 2 to 4 P.M., Chur Uria.

5. I made enquiries of Hossein Banu the wife of Meher Ali, Sabar Banu the wife of Abdul Rahaman, Hasan Banu the wife of Wali, Nur Banu the wife of Karim Bux, Lachma the wife of Abu Khalipha, Akima Khatun the wife of Ebrahim Chaprasi, Saheb Banu, the wife of Hamed Mia, Akima, the wife of Alimuddi and Khosh Banu, the wife of Afsaruddi, (all) of the villiage of occurrence; but to no effect.

From 5 to 8 P.M. Salla, Peshkar's *hat.*

6. Learning that a *hât* named Peshkar's *hât* is held to-day in the village of Salla very near the village of occurrence and that many people of the place and of the neighbouring villages have come there, I went to the said *hât* and conversed with Shashi Kumar Seal, Kebal Krishna Seal, Kali Kumar Seal, Mokim Chaprasi, Ram Gopal Shaha, Abdul Majid, Atar Ali, Amjad, Ahamad Ali, Umed Ali, Ismail, Chand Mia, Second Ahmed Ali, Jitu Mia, Chowdhry and various other people of Salla, but obtained no information. I therefore close the diary for this day, engaged in the investigation with the accompanying constable, &c.

OSMAN ALI,
Sub-Inspector.

Despatched from Chur Uria by a man at 12 a.m., on 3rd September, 1900.

EXHIBIT A22.

A. P. PENNELL,
Sessions Judge.

The 16th January, 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE, POLICE STATION, SUDHARAM.

District Superintendent of Police.
Received
The 4th September 1900.
NOAKHALLI.

W. Y. R.

No. 9.

Idris Mea		*Complainant,*
	versus	
Suspected Sadak Ali and others		*Defendants.*

Section 302, Indian Penal Code.

Number and date of First Information Report.—No. 13, dated 26th August, 1900, filed between 7½ p.m. and 8½ p.m.

Names of persons arrested and sent up.

Names of persons arrested and bailed, &c.—Section 169, Criminal Procedure Code.—

Occurrence.—Between 10 a.m. of 25th August, 1900, and 6 a.m., of 26th August, 1900.

Date and hour.—3rd September 1900. From 7 to 10 A.M., Chur Uria.

1. A detailed account of the investigation into this occurrence has been given in yesterday's Special Diary No. 8. The men who had been employed to make enquiries in secret and in disguise during the night, state that they had not obtained any important information. The various enquiries made this day while roaming about, have been to no effect.

From 7 to 10 A.M., Chur Uria.

2. Hasan Ali Chowkidar of the Village of Salla and Miron Dufadar of the said beat, who are very cunning and clever men, are appointed to make secret enquiries after being told that if they could give such information as would lead to the arrest and punishment of the real culprit, they would be given special rewards, and that if any other person should be able to give such information they would also be rewarded.

From 12 A.M. to 3 P.M. Chur Uria.

3. I employed myself as well as the constables, Rajoni Chand, Mahommad Ali and Gobind Pani (?) in enquiring if any one of the residents on both sides of the road through the village of Salla and the road by the Kallabhanga *dighi* leading from the town to the house of the deceased, or any other person, knows about the passing of the deceased, or where and under what circumstances he was murdered; and first made enquiries of Daemulla Sadagar, Duna Miah, Roshan Miah, Abbas Ali, Hamid Ali, Aslam, Mokim, Jamu Munshi and other residents on both sides of the Salla road, but nothing of use came out.

From 4 to 8 P.M. Salla.

4. By making enquiries of Mahabat Ali Miji, Idris, Hosan Ali, Abdul Rahaman, Wali Amiruddi, Abdul, Kala Miah, Mobaruk Ali, Abdul Aziz, Nobin Chand Sardar, Ramjoy Sardar, Abbas Ali, Tazuddi, Aminuddi Sipahi, Umed Ali, Arsad Mia, Second Arsad, Aslam, Arif Mia, Amjad and others, the residents on both sides of the road from the house of the deceased to Kallabhanga, I learnt from Arip Mia that, after evening on the date of occurrenc , he met the deceased near and on the south of the house of Duna Mia on the south of the Kallabhanga *dighi*, that it was very dark then and that it was raining, that there was no one else with the deceased and that he (Arip) did not see any other person passing by that road. I visited the spot where he had seen the deceased. It is a little more than a quarter of a mile (by guess) from the house of the deceased. Nothing fit to give a clue for investigation was ascertained from any of the other persons.

Ditto.

5. I made enquiries as to whether the deceased had any such enemy in any village other than his own, who is likely to have murdered him, but could not ascertain that there was such enmity with any one of a different village.

9 P.M. Salla.

6. As it is late in the night now, I submit the account of to-day's proceedings after employing the accompanying constables in the work of investigation and instructing them to ascertain by moving about openly, as well as in secret, if any one talks about the occurrence.

OSMAN ALI,
Sub-Inspector.

Despatched by a man from Chur Uria at 8 a.m. on 4th September, 1900.

EXHIBIT A23.

A. P. PENNELL,
Sessions Judge.

The 16th January, 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE, POLICE STATION, SUDHARAM.

District Superintendent of Police.
Received
The 4th September 1900.
NOAKHALI.

W. Y. R.

No. 10.

Idris Mea ... ... *Complainant.*

versus

Suspected Sadak Ali and others ... ... *Defendants.*

Section 302, Indian Penal Code.

No. and date of First Information Report.—No. 13, the 26th August, 1900, filed between 7½ p.m. and 8½ p.m.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, etc.—Section 169, Criminal Procedure Code.—

Occurrence.—Between 10 a.m. of 25th August, 1900, and 6 a.m. of 26th August, 1900.

Date and hour—4th September 1900, 7 A.M., Chur Uria.

1. An account of yesterday's proceedings has been entered in Diary No. 9. After employing the accompanying Constables, Chowkidars, Dufadars, etc., in making enquiries in secret and in disguise during the night, I started for the town in the course of the investigation. The constables, Chowkidars and Dufadars, etc., who were employed come and state that they have (?) obtained any information about this occurrence. And I, too, have not achieved anything by making investigations in various places.

From 8 to 10 A.M. Town. 2. I have not been able to obtain any clue or information for the unravelling of the case by making various enquiries and conversing with various people myself as well as along with my subordinates in the villages of Chur Uria, Salla Gataya, and Chur Salla. I come to town with the intention of going again to the place of occurrence after having acquainted the district superintendent, Shaheb Bahadur with the facts of the investigation.

From 12 A.M. to 3 P.M. Town. 3. Nothing is found out by conversation with Guna Mia, Fazu Mia and Mabarak Ali Munshi of the village of Salla Gataya, and with Abdul Aziz and Kala Mia, etc., of Chur Salla near the village of occurrence, who have a miscellaneous and fancy goods shop in the town, as to whether they know anything about the occurrence or not.

3 P.M. Cutchery. 4. I went to the District Superintendent Shaheb Bahadur and told him about the circumstances of the occurrence, and what had up to this time been found out by investigation. And although there is very little hope of the case being unravelled, still I started for the village of occurrence, as I deemed it necessary to make some further investigation.

5 P.M. Chur Salla. 5. I held conversation with Asimuddi, Hossain Ali, Abdulla Mia, Hamidulla, Abdul Karim, Ismail and others of Chur Salla about the occurrence, but to no effect.

6 P.M. Sulla Gataya. 6. I could not ascertain anything of use by varied conversation with Kazimuddi, Ahamad Ali, Abdul Hamid Ali, and others of the Village of Salla Gataya about the occurrence.

7 P.M. to 8 P.M. Chur Uria. 7. From the Constables, etc., deputed to the village of occurrence, I learnt that they have not been able to obtain any clue or information for the unravelling of this case. As it is late in the night I submit an account of to-day's proceedings, remaining engaged in secret investigation.

OSMAN ALI,
Sub-Inspector.

Despatched by a man from Chur Uria at 8 a.m. on 5th September, 1900.

EXHIBIT A24.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

LETTER DATED 29TH AUGUST 1900, TO THE INSPECTOR OF THE DIVISION.

W. Y. R.,
District Superintendent of Police.

To
THE INSPECTOR OF THIS DIVISION.

You will yourself supervise the Case No. 19 of the current month of Sudharam Thana. Dated the 27th August, 1900.

No. 42.

Received.
(Signature illegible).

The 29th August, 1900.

LORD OF JUSTICE,

I beg to state that I am engaged in acting as ordered. The 29th August, 1900.
(Signature illegible.)

(On back.)

District Superintendent of Police.
Received
The 31st August 1900.
NOAKHALI.

File with record of the case.

W. Y. R.,
District Superintendent.

The 31st August, 1900.

EXHIBIT A25.

A. P. PENNELL,
Sessions Judge.

The 16th January, 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE, POLICE STATION, SUDHARAM.

District Superintendent of Police.
Received
The 6th September 1900.
NOAKHALI.

W. Y. R.

No. 11.

Idris Mea	... ...	*Complainant,*
	versus	
Suspected Sadak Ali and others	... ...	*Defendants.*

Section 302, Indian Penal Code.

No. and date of First Information Report.—No. 13, the 26th August 1900, 7½ p.m. to 8½ p.m.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, etc.—Section 169, Criminal Procedure Code.—

Occurrence.—Between 10 a.m. of 25th August, 1900, and 6 a.m. of 26th August, 1900.

Date and hour—5th September 1900, 8 A.M. Chur Uria.

1. By investigation up to this time no information of the culprits has been obtained. The constables that were employed last night to watch unperceived, by remaining behind the houses, whether the suspected persons or any other persons of the village have any talk about the occurrence, or any people hold any secret consultation in any place, state that no useful information has been obtained.

From 9 to 10 A.M., Chur Uria.

2. I talked with some local men about the occurrence, but to no effect.

From 12 A.M. to 6 P.M. Chur Uria.

3. From conversation with Hasan Ali, Ahamed Ali Sayiud (?), Yakub Ali, Abdul Karim, Samid Ali, Anu Mia, Nizamuddi, Wazuddi, Azgar Ali, Arsad Ali, Akpal Ali, Munsur Ali, Abdul Rahim, Abdul Rahaman, Anwar Ali, Arsad, Rosan Ali, 2nd Abdul Rahaman, Abdul Majid, Miajan, Yakub Ali Chowdhry Punchayet, Mahomed Aslam Mia, Ahamed Ali (illegible), Fazil Tabaruk Ali, Chitan and others of the village of Chur Uria, about the occurrence, I could not obtain any clue or information as to where, by whom, and in what manner the deceased was murdered.

It is expressly stated here that the *benami* petition in the names of Tuka and others (of) Chur Uria, has been investigated into, along with this investigation. The details will be submitted by a separate report.

7 P.M. Chur Uria.

4. Night having come, I am unable to proceed further with the work and close the diary for the day, remaining engaged in the rest of the investigation.

OSMAN ALI,
Sub-Inspector.

Despatched by a man from Chur Uria at 8 a.m. on the 6th September 1900.

EXHIBIT A26.

A. P. PENNELL,
Sessions Judge.

The 16th January 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE, POLICE STATION, SUDHARAM.

District Superintendent of Police.
Received
7th September 1900.
NOAKHALI.

No. 12.

Idris Mea ... ... *Complainant,*

versus

Suspected Sadak Ali and others ... ... *Defendants.*

Section 302, Indian Penal Code.

Number and date of First Information Report.—No. 13, the 26th August, 1900. Filed between 7½ p.m. to 8½ p.m.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, etc. Section 169, Criminal Procedure Code.—

Occurrence.—Between 10 a.m. of 25th August, 1900, and 6 a.m. of 26th August 1900.

Date and hour—6th September 1900, 7 A.M., Chur Uria. 1. The constables, etc., employed last night in connection with this occurrence (case?), come and state that they have not been able to ascertain anything useful. I depute them again for to make investigation.

From 8 A.M. to 10 A.M., Salla. 2. By moving about in the villages of Chur Uria and Salla I conversed with many people, and having met with cow-herds in the field I talked with them also about the occurrence; but could not learn anything fit to give a clue.

From 1 to 7 P.M., Salla. 3. I conversed with Janu Munshi Punchayet, Roshan Ali, Mrij Ali, Ramdoya Nath, Abdul Jan Mia, Farid Mia, Keramat Ali, Chand Mia, Badsha Mia, Hasan Ali, Chandramoni (illegible), Sona Mia, Abdul Rahman, Fazil (illegible), Mahomed Arip, Abdul Majir, Moniruddi Chaprasi and others of Salla about the occurrence. I found that it was not at all known as to who, when, where and in what manner murdered the deceased. Every body thinks that as the deceased had emnity with many people, some of his enemies probably murdered him and threw his corpse into the tank.

8 P.M., Salla. 4. By investigation up to this time no clue whatever has been obtained as to the cause of the death of the deceased, or as to by whom and where he was murdered. The death of the deceased has pleased many people. And from the way in which the villagers are found to be combined, there is very little hope of anything being suddenly (soon?) discovered. However, I submit an account of to-day's proceedings to your honour, remaining engaged in making attempts to the best of my power.

OSMAN ALI,
Sub-Inspector.

Despatched by a man from Chur Uria at 8 a.m., on 7th September, 1900.

EXHIBIT A27.

A. P. PENNELL,
Sessions Judge.

The 16th January, 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE, POLICE STATION, SUDHARAM.

District Superintendent of Police.
Received
+ 8th September 1900. +
NOAKHALI.

No. 13.

Idrish Mondul (?) ... ... *Complainant,*

versus

Suspected Sadak Ali and others ... ... *Defendants.*

Section 302, Indian Penal Code.

Number and date of First Information Report.—No. 13, the 26th August 1900. Filed between 7½ p.m. and 8½ p.m.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, etc.—Section 169, Criminal Procedure Code.

Occurrence.—Between 10 a.m. of 25th August, 1900, and 6 a.m. of 26th August, 1900.

Date and hour—7th September 1900, 7 A.M., Chur Uria.

1. The accompanying constables state that they have not been able to obtain any clue or information for the unravelling of the case by their secret investigations last night. I employ Constables Abdul Hamid (and) Nur Mia in making further investigations.

From 8 A.M. to 2 P.M., Chur Salla.

2. I went about making enquiries in Chur Uria and the adjoining village of Chur Salla, and conversed with Yasin, Islam Manjhi, Raja Mea and others. I could not ascertain anything useful.

2 p.m. Chur Salla.

3. I start for the head-quarters to acquaint the District Superintendent Saheb Bahadur and the Divisional Inspector Babu with the circumstances of the investigation into this case up to this time. The aforesaid two Constables remain at the place of occurrence.

3 P.M., Police Office.

4. Arriving at the Sudder I made the District Superintendent Shaheb Bahadur and the Inspector Babu acquainted with the circumstances of the investigation up to this time. On receipt of instructions from them I made ready to go to the place of occurrence.

From 4 to 6 P.M., Town.

5. I had talk with several pleaders, *mukhtars* and litigants of the *cutchery* (Court) about this case, but to no effect.

6 P.M., Station.

6. I received *purwana* No. 6006 of this day from the Police Office for telling the complainant to attend with his witnesses before the District Superintendent Shaheb Bahadur at the Sudharam Thana on the 9th of this month.

9 P.M., Chur Uria.

7. On arriving at the place of occurrence, I learnt from the constables employed that they had not up to this time obtained any information. As it is late in the night, I close the diary for this day.

OSMAN ALI
Sub-Inspector.

Despatched by a man from Chur Uria at 8 a.m. on the 8th September, 1900.

EXHIBIT A28.

A. P. PENNELL,
Sessions Judge.

The 16th January, 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE, POLICE STATION, SUDHARAM.

District Superintendent of Police.
Received
+ 9th September 1900. +
NOAKHALI.

W. Y. R.

No. 14.

Idris Mea ... ... *Complainant,*
versus
Suspected Sadak Ali and others ... ... *Defendants.*

Section 302, Indian Penal Code.

Number and date of First Information Report.—No. 13, the 26th August, 1900. Filed between 7½ p.m. and 8½ p.m.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, etc.—Section 169 Criminal Procedure Code.—

Occurrence.—Between 10 a.m. of 25 August, 1900, and 6 a.m. of 26th August, 1900.

Date and hour—8th September 1900, 7 A.M., Chur Uria.

1. On my arrival at the place of occurrence last night, the constables employed stated that they had not been able to obtain any clue or information for the unravelling of this case. Thereupon I employed them to make further investigations. They come to-day and state that they moved about and made enquiries secretly in the village at night, but to no effect.

8 A.M.
Chur Uria.

2. I sent constable Nur Mia to fetch the complainant before me for the purpose of making over to him (the complainant) the *perwana* No. 6006 received from the District Superintendent Shaheb Bahadur.

9 A.M.
Chur Uria.

3. Constable Nur Mia comes back and says that he did not find the complainant at home, that the complainant was gone to town on business. I told the said constable to bring up the complainant when he should come home.

From 10 A.M., to 12 A.M., Chur Uria.

4. I moved about in the village of Chur Uria and conversed with Naimuddi Miaji, Hamid Mia, Karim Bux and others, but could not ascertain anything useful.

2 P.M.
Complainant's house.
1. Naimuddi Miji.
2. Afsuruddi Bhuian.
3. Arsad Mia.
4. Miajan Bepari.
5. Keramat Ali.
6. Yakub Ali, inhabitants of Chur Uria.
7. Wazuddi Khalifa, inhabitant of Chur Sulla.

5. Upon going to the complainant's house and finding him, I informed him of the purport of the *perwana* of the District Superintendent Shaheb Bahadur mentioned in the second paragraph, in the presence of the persons mentioned in margin. After reading the said *perwana* he (the complainant) signed his name on its back, and having read the order he wrote that he was informed of it. I return the said *perwana* to your Honour.

3 P.M. to 6 P.M.
Complainant's house.

6. I had a talk with the deceased's wife Rokia Banu (his) *baibahiks* Wazuddi Khalifa (and) Mriza Ali Jaigirdar, and (his) neighbours Afsaruddi Bhuian, Keramat Ali, Yakub Ali, Roshan Ali, Arsad, Miajan Bepari, Ahamad Mia, Lal Mia, Abdul Bari, Umed Ali and others, and asked them if they had obtained any clue or information about this case up to this time. Nothing useful did come out. Only from Wazuddi Khalifa I learnt that he had heard that on the date of occurrence the mother of the suspected accused Osman Ali Chowkidar and Fazar Ali heard the cries of a man on the west in front of their house, but he (Wazuddi Khalifa) could not say for certain from

whom he had heard this. However, to ascertain how far this statement was true I started for the house of the said *chowkidar*.

6 P.M.
Chur Uria.

7. On arriving at the house of Osman Ali Chowkidar and Fazar Ali I asked their mother Arzan. She said that she had not heard the cries of any man on the date of occurrence, that she had not said so to any body, and that she did not know anything about the cause of the death of the deceased.

7 P.M.
Chur Uria.

8. Night having come I am unable to do anything more and close the diary, remaining engaged and employing the accompanying Constables Nur Mea and Abdul Hamid in making secret investigation and further enquiry.

OSMAN ALI,
Sub-Inspector.

Despatched from town at 10 a.m.,
on the 9th September, 1900.

EXHIBIT A29.

A. P. PENNELL,
Sessions Judge

The 16th January, 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE, POLICE STATION, SUDHARAM.

District Superintendent of Police.
Received
The 10th September 1900.
Noakhali.

W. Y. R.

No. 15.

Idris Mea ... ... *Complainant,*

versus

Suspected Sadak Ali and others ... ... *Defendants.*

Section 302, Indian Penal Code.

Number and date of First Information Report.—No. 13, the 26th August 1900, 7½ p.m. to 8½ p.m.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, &c.—Section 169, Criminal Procedure Code.—

Occurrence.—Between 10 a.m. of 25th August, 1900, and 6 a.m. of 26th August, 1900.

Date and hour.
The 9th September 1900, 7 A.M.
Chur Uria.

1. After the recording of the account of the investigation in this case in Diary No. 14, enquiries were made secretly as well as openly at night, but to no effect. Having employed the constables deputed in making enquiry again, I, too, go out to make enquiries.

8 A.M. to 10 A.M.
Town.

2. After having conversed with certain people of the village of Chur Uria and Salla in the course of the investigation I reached headquarters. After having acquainted the Divisional Inspector with the circumstances of the investigation I start again for the place of occurrence.

11 to 12 A.M.
Chur Uria.

3. I reach the place of occurrence. On the way I met Abdul Karim, Amanuddi Sepahi, Kalimuddi, Karimbux and others, and had talk with them about the occurrence, but to no effect.

2 to 7 P.M.
Ditto.

4. By moving about in Chur Uria, Ichakhali, Poran Jagannath and other places I talked with, and made enquiries of, many people, but to no effect. The constables employed, too, having stated that they had not obtained any information by enquiry up to this time, they are employed to make further enquiry.

8 P.M.
Chur Uria.

5. I close the diary for to-day, engaging myself as well as the accompanying Constables in making secret inquiries.

OSMAN ALI,
Sub-Inspector.

Despatched by man from Chur Uria, at 7 a.m., on the 10th September, 1900.

EXHIBIT A30.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

SUMMONS TO THE COMPLAINANT'S WITNESSES, ABDUL KARIM AND ISMAIL.

No. 1759.

Received at 2.30 p.m., the 11th September, 1900. Made over to Mohesh Singh, Constable.

Summons to Abdul Karim and Ismail, of Chur Uria, Station Sudharam.

Idris Mea ... ... *Complainant*,

versus

Sadak Ali ... ... *Accused*.

Case under Section 302, Indian Penal Code.

Whereas you have been cited as witnesses in the above case on behalf of the complainant, it is necessary that you should appear to give evidence. You are, therefore, ordered to appear before me, in this office, at 8 a.m., on the 12th September of the current year. Take care not to fail to appear. The 11th September, 1900.

W. Y. REILY,
District Superintendent of Police.

Noakhali.

No. 6072.

(On back.)

1. Abdul Ajij, Constable of Chur Uria.
2. Moti Mia, son of Amirruddi, of Salla.
3. Grish Chandra Dey, of Chur Uria.
4. Anwar Ali Chowkidar, of Salla.

Submitted that the summons having been made over to me for service, I visited the Mofussil and found witness Ismail. I served a copy of the summons personally on him in the presence of witnesses Nos. 1 and 2, whose names are mentioned in the margin, and I have got his signature by way of acknowledgment of the receipt of the summons. I also found the other witness, Abdul Karim, and I served the copy of the summons in his name personally on him in the presence of witnesses Nos. 3 and 4 named in the margin. The summons is got signed by him. This is what I submit by this *kaifiat*. Dated 11th September, 1900.

MOHESH CHANDRA.
ISMAIL.
ABDUL KARIM.

Submitted.

That the particulars about the service of the summons are detailed in the Constable's *kaifiat*. Dated 11th September, 1900.

LUKHI KANTA CHAKRAVARTI,
Writer-Constable,
Sudharam Station.

The return is without signature. It is, therefore, sent back for signature.
The 12th September, 1900.

Ordered that it be put up with the record.

Illegible.
for District Superintendent.

The 24th September, 1900.

EXHIBIT A31.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE, STATION SUDHARAM, SANDIP.

No. 16.

Idris Mea .. .. *Complainant,*
versus
Sadak Ali and others ... ... *Defendants.*

Case under Section 302, Indian Penal Code.

Number and date of First Information Report.—No. 13, the 26th August, 1900, 7.30 p.m. to 8.30 p.m.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, etc.—Section 169, Criminal Procedure Code.—

Occurrence.—Between 25th August, 1900, 10 a.m. and 26th August, 1900, 6 a.m.

Date and hour. 10th September 1900, 7 A.M., Chur Uria. 1. After I had submitted the particulars of yesterday's enquiry by Diary No. 15, I, accompanied by constables, made various enquiries, both publicly and privately, in the village of occurrence last night, but without any success. I keep myself engaged in the investigation, and depute the constables to make enquiries in the case.

8 A.M. to 7 P.M., Chur Uria. 2. I talked with the complainant's mother, Rokia Banu, and her neighbours, Naimuddin Miaji, Nur Mia, Moulvi Mahomad, Mussa Mia, Keramut Ali, Abbas Ali, Kala Mia, Abdul Bari, Korim Buksh, and others, but to no effect.

8 P.M., Chur Uria. 3. The Constables deputed appeared before me, and said that they made various enquiries throughout the villages of Chur Uria, Chur Salla and Ichakhâli, but to no effect.

9 P.M., Chur Uria. 4. I engage the Constables I have got with me to make secret enquiry.

Despatched from Chur Uria, through a messenger, 11th September 1900, 10 A.M. I, myself, continue in the investigation work, and I close the diary for the day.

OSMAN ALI,
Sub-Inspector.

EXHIBIT A32.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE, POLICE STATION, SUDHARAM, SANDIP.

No. 17.

Idris Mea ... ... *Complainant,*
versus
Sadak Ali and others ... ... *Defendants.*

Section 302, Indian Penal Code.

Number and date of First Information Report.—No. 13, dated 26th August, 1900, 7½ p.m. to 8½ p.m.

Names of persons arrested and sent up—

Names of persons arrested~~ and bailed, &c.—Section 169,~~ Criminal Procedure Code—

The occurrence took place between 25th August, 1900, 10 a.m., and 26th August, 1900, 6 a.m.

Date and hour.
The 11th September 1900.
7 A.M., Chur Uria.

1. I, with the accompanying constables, made various enquiries last night, but got no clue for tracing the offenders. The results of inquiries made this day are submitted one by one.

8 A.M. to 6 P.M., Chur Uria.

2. I walked over the whole of the villages of Chur Uria and Salla, and conversed with Dulah Mia, Abdul Bari, Badshar Mia, minor, Oliullah, Abdul Mojid, minor, Sadak Ali, Sidhik Ali, Anser Ali, Bodiat-Jumma, minor, Ismail, Allah Mia, minor, Abdul Kadir, minor, Momtaz, minor, Alefa, minor, Abdul Rasid, minor, Anwarulla, minor, Amirunissa, minor, Kalimuddin Bepari, Abdul Rohaman, Bodiat-Jumma, Arip, Atar Banu, Atarjan, Abida Sakina Banu, Umda Banu, Tofel Ahmad Khatun Banu, Lotifa Banu, Safar Banu, Shokar, Banu Jobedah Khatun, Khotija, Hamida, minor, Amina, minor, Gole Banu, minor, Rup Banu, Atar Banu, Abdul Aziz, minor, Purno Chunder Seal, minor, Kali Kumar Seal, Mobarak Ali, Ahamad Ali, Abdul Rohaman, Raoshan Ali, Ismail, Akpan Ali, Chand Mia, Mochan Ali, and ~~other men of the village,~~ but I could not get any information as to where, and at what time, and in what way, and by whom the deceased was murdered; nor could I hear of any vice in the character of the deceased.

7 P.M., Chur Uria.

3. The inquiry about the occurrence has been going on for 17 days, but up to this time no such information has been gathered as may lead me to any hope for success. Notwithstanding the inquiry made for such a length of time the offender is not likely to be traced. So it is necessary once to try whether the inquiry made for some time from a village other than the village of occurrence, will lead to the tracing of the offender. I, therefore, ask for an order for leaving the place of occurrence for some days, and return to the Station, where I may make inquiries in connection with this occurrence, along with other works.

8 to 10 P.M., Chur Uria.

4. In spite of my making inquiries in various ways from place to place, I have not as yet been able to achieve any success. The constables, accompanying me are engaged in the inquiry with me. I submit the particulars herein.

OSMAN ALI,
Sub-Inspector.

Despatched by a bearer from Chur Uria at 7 a.m., on the 12th of September, 1900.

EXHIBIT A33.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE, POLICE STATION, SUDHARAM, SANDIP.

No. 18.

Idris Mea ... ... *Complainant,*

versus

Sadak Ali and others ... ... *Defendants.*

Section 302, Indian Penal Code.

Number and date of First Information Report.—No. 13, dated 26th August, 1900, 7½ p.m. to 8½ p.m.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, &c.—Section 169, Criminal Procedure Code.—

Occurrence.—Between 25th August, 1900, 10 a.m., and 26th August, 1900, 6 a.m.

Date and hour—12th September 1900, 7 A.M., Chur Uria...

1. Various enquiries have been made in connection with the occurrence both privately and openly, but the result is not successful, and it does not appear that there is any near chance of the enquiry being successful. Be that as it may, I continue to proceed with the enquiry to the best of my ability.

12th September 1900, 7 A.M., Chur Uria.

2. The constables deputed for making enquiries came to me and reported that they failed to find any clue in connection with the occurrence. I have engaged them in making further enquiry.

3. I walked here and there in the village of occurrence and in the adjoining village Salla, and had talk with many men on the subject of the occurrence, but I failed to gather any information that may lead to any trace of the offender.

9 A.M. to 12 A.M. Chur Uria.

4. I moved from place to place in the villages of Ichakhali, Poyan, Jagannath, Salla, Bharatkhal, and Chur Uria, and made enquiries. The constables deputed also told me that they too made enquiries. However, no information of any effect has been obtained.

2 P.M. to 7 P.M. Chur Uria.

5. The constables are deputed to make secret enquiry. I continue to go on with the investigation, and submit herein the particulars of the enquiries made this day.

8 P.M.
Chur Uria.

Despatched by a bearer from Chur Uria at 7 A.M. 13th September 1900.

OSMAN ALI,
Sub-Inspector.

EXHIBIT A34.

A. PENNELL,
Session Judge.

The 16th January, 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE, POLICE STATION, SUDHARAM, SANDIP.

No. 19.

Idris Mea ... ... *Complainant,*
versus
Sadak Ali and others ... ... *Defendants.*

Section 302, Indian Penal Code.

Number and date of 1st Information Report.—No. 13, 26th August, 1900, 7.30 p.m. to 8.30 p.m.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, &c.—Section 169, Criminal Procedure Code.

Occurrence.—Between 25th August, 1900, 10 a.m., to 26th August, 1900, 6 a.m.

1. The Constables deputed came to me and said that last night they walked through the village of occurrence in secret, but the result was not successful. The constables are deputed to make fresh enquiries.

Date and hour—13th September 1900. 7 A.M., Chur Uria.

2. I passed through and walked over the villages of Chur Uria, Chur Salla, Poyan, Jugannath, Salla, Bharutkhal, and had conversation with a large number of men and gathered various informations from them. But I could not obtain any useful information.

8 A.M. to 7 P.M., Chur Uria.

3. The constables deputed to make enquiry returned and said that their enquiries up to date did not prove successful as to the gathering of useful informations. They are again deputed to make secret enquiry.

8 P.M., Chur Uria.

4. Engaging myself in the work of making enquiry actively, I close the Dairy for the day.

9 P.M., Chur Uria.

Despatched by bearer from Chur Uria at 11 A.M., 14th September 1900.

OSMAN ALI,
Sub-Inspector.

EXHIBIT A35.

A. PENNELL,
Session Judge.

The 16th January, 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE, POLICE STATION, SUDHARAM, SANDIP.

No. 20.

Idris Mia ... ... *Complainant,*
versus
Sakak Ali and others ... ... *Accused.*

Section 302, Indian Penal Code.

Number and date of 1st Information Report.—No. 13, dated 26th August, 1900, 7.30 p.m. to 8.30 p.m.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, &c.—Section 169, Criminal Procedure Code.

Occurrence.—Between 25th August, 1900, 10 a.m., and 26th August, 1900, 6 a.m.

Date and hour—14th September 1900, 6.30 A.M. Chur Uria. 1. The District Superintentent of Police is expected to come to the place of occurrence this day, accompanied by the Inspector Babu. This news I got from the letter of the Writer Constable at the Thana, brought by Abdul Hakim Chowkidar. I remained waiting for them. Abdul Hamid and Nur Mia, constables deputed for gathering information, say that they are told that Atar Ali, Torab Ali, and Hassan Ali of Salla, know something of the occurrence. I send Nur Mia, constable, to bring them here.

7 A.M., Chur Uria. 2. From Hassan Ali Chowkidar I learn that he heard from the complainant himself that he having caused Torab Ali, Islam, Hassan Ali, Atar Ali, and Rajjab Ali to give evidence before the District Superintendent of Police, for proof of his father's murder, and that the District Superintendent of Police accordingly took the statements of the accused persons, and that the accused persons have denied having committed the offence.

9 A.M., Chur Uria. 3. Nur Mia Constable came before me and said that he could not find the said three persons, and that he was told by the inmates of their respective houses that Torab Ali had gone to Chur Durbesh, Hossan Ali and Atar Ali to Paglar Chur.

10 A.M., Chur Uria. 4. I got an order through Ahmed Ali Constable for keeping witnesses Hossan Ali, Torab Ali, Islam, Rajjab Ali, Atar Ali, and Abdul Aziz in atendance. I depute constables Nur Mia and Abdul Hamid to produce them.

11 A.M., Chur Uria. 5. The Divisional Inspector arrives at the village of occurrence.

12.30, Chur Uria. 6. Head Constable Mohim Chundra Mojumdar reaches the village of occurrence under the order of the District Superintendent of Police.

12.30, Chur Uria. 7. Constable Nur Mia produces Rojjab Ali and Abdul Aziz.

12.45, Chur Uria. 8. Constable Abdul Hamid produces Atar Ali, and says that the other witnesses named in the 4th paragraph of the Diary have not been found.

1 P.M., Chur Uria. 9. The District Superintendent of Police reaches the village of occurrence.

1 to 5 P.M., Chur Uria. 10. District Superintendent of Police inspected the house of the deceased, and several other places, and prepared a map thereof, and he questioned the witness Rojjab Ali and the wife of witness Torap Ali. I and the Inspector Babu and Mohim Mojumdar accompanied him from place to place and helped him in his work. The accused Abdul Hakim, Sadak Ali and Emdadulla and complainant and his men Wajuddi Khalifa and others moved about here and there with the District Superintendent of Police. By the said accused persons I am told that in their defence they stated before the District Superintendent Police yesterday that the wife of the deceased had intrigue with Bakshi Patwari's son Sadak Ali, and that it was not unlikely that the occurrence was caused by him on account of the said intrigue. Jaman Ali Chowkider, who was present, was asked about it. He said that he did not know anything of the intrigue, but that he only heard of it.

5½ P.M., Chur Uria. 11. The District Superintendent of Police starts back for the town.

7 P.M., Chur Uria. 12. The Inspector Babu and the Head Constable Mohim Chandra Mojumdar go towards the town.

7 P.M., Chur Uria. 13. I depute Nur Mia, Abdul Hamid, and Mohammad Ali Constables to produce the rest of the accused and the neighbours.

9 P.M., Chur Uria. 14. Abdul Halim and Aslam, accused, and Hamid Ali Mia, Ahamad Mia, Korim Buksh, Abdul Rohim, Yakub Ali, Abdul Bari, Lal Mia, Monohar Ali, and Elahi Buksh, neighbours, being produced by the said constables, I learn from them that the widow of the deceased has intrigue with Bakshi Patwari's son Sadak Ali for a long time.

9 P.M., Chur Uria. 15. I close the diary of the day. The District Superintendent of Police and the Inspector Babu have left the place of occurrence, saying that they would again come to the village to-morrow. After they come I shall act as they would direct. I depute the constables accompanying me to hold secret enquiry in connection with the occurrence.

Despatched by a bearer from Chur Uria at 2 p.m. 15th September, 1900.

OSMAN ALI,
Sub-Inspector.

EXHIBIT A36.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

EXHIBIT A37.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE. POLICE STATION, SUDHARAM.

W. Y. R.

Idris Mea ... ... *Complainant.*

versus

Suspected Sadak Ali and others ... ... *Defendants.*

Section 302, Indian Penal Code.

Number and date of First Information Report.—No. 13, dated 26th August, 1900, from 7 p.m. to 8½ p.m., Institution.

Occurrence.—Between 25th August, 1900, 10 a.m., and 26th August, 1900, 6 a.m.

Date and hour—15th September 1900, 7 A.M., Chur Uria. 1. The District Superintendent and the Divisional Inspector Babu are to come to-day to the place of occurrence *viâ* Bellew Saheb's Hat. I proceed in that direction to receive them.

1½ P.M., Chur Uria, Bairagi *hat* road. 2. I have made enquiries of many persons on the way regarding this case, but in vain. Met the Sahib and the Inspector Babu now. Head Constable Mohim Chundra Mozumdar is in their company. They are coming plotting from that direction towards the village of occurrence. I also join them. The complainant also under order of the Sahib has appeared with his witness, Hossain Ali.

1½ P.M. to 4½ P.M., Chur Uria. 3. I walked with the Sahib at various places in the village of occurrence. Plotting was made till 4 o'clock. At that time witness Torab Ali also appeared and showed the place of occurrence. After that the Sahib started for the town, leaving instructions to make inquiries as to the aforesaid love intrigue. The work at the station is in arrear; and I asked instructions as to whether I should leave the place of occurrence, pointing out that in case I left the place of occurrence, something new regarding the case might come to light and be circulated; and the Sahib directed me to leave the place of occurrence for some time.

6 P.M., Chur Uria. 4. The Inspector Babu started for the town accompanied by Mohim Mozumdar, Head Constable. I took charge of duty to-day; and after deputing the constables in my company to institute inquiries I closed the diary.

Despatched from Town 16th September 1900, 2 P.M.

OSMAN ALI,
Sub-Inspector.

EXHIBIT A38.

A. PENNELL,
Sessions Judge.

The 16th January 1901.

16th September 1900, 7 P.M. Station.

1. Nur Mia and Abdul Hamid, constables, produced the following witnesses, and I made inquiries of them.

7 to 8 P.M., Station.

2.—1. Maslim, son of Asaruddi, of Chur Uria.
2. Jita Mia, son of Tara Mia, of the above place.
3. Samad Ali, son of Men Gazi Bepari, of the above place.
4. Keramat Ali, son of Kazimuddi, of the above place.

These persons say that Rokia Banu, widow of the deceased has love-intrigue with Sadak Ali son of Bukhsi Patwari. Twenty-five to thirty years ago, there was an enticement-case between the deceased and Sadak Ali consequent upon the said intrigue. Sadak Ali was discharged in that case. The persons Nos. 2 and 3 were witnesses on behalf of the deceased. The age of the person No. 1 is about 50 years. The age of the persons Nos. 2 and 3 is about 65 years, and that of No. 4 is about 40 years. They cannot say who have killed the deceased. Some suspect the persons accused, while others suspect the said Sadak Ali. The deceased had a number of enemies. That woman had love-intrigue also with Asaruddi Chowkidar, the deceased father of Osman Ali Chowkidar, accused.

8 P.M., Station.

3. Deputed the said two Constables again to make inquiries in secret, and closed the diary of this date.

Despatched from Station 17th September 1900, 10 A.M.

OSMAN ALI,
Sub-Inspector.

EXHIBIT A39.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

17th September 1900, 5 P.M., Station.

It should be ascertained by inquiry if Sadat Ali is still in the habit of visiting deceased's wife before deceased's death, and if the intrigue was known to the son, and if he still knows of it going on.
W. Y. R.
The 18th September 1901.

1. Nur Mia, constable, having produced the undermentioned persons, it appears from inquiries made of them that the deceased's wife Rokia Banu, is unchaste, she has had a love-intrigue with Sadak Ali, son of Bukshi Patwari, for a long time. She had love-intrigue also with Asaruddy Chowkidar, the deceased father of the accused Osman Ali Chowkidar. There was a case brought by the deceased against Sadak Ali, 24 or 25 years ago, for enticing away his wife. That case was dismissed. They cannot say by whom the deceased was killed, but from Sadak Ali's conduct they entertain suspicion against him, the reason being that Sadak Ali now intends to marry the deceased's widow in *nika* form, and in order to win over the complainant has made a proposal to give him his daughter in marriage. Although the deceased had a few petty cases against some of the accused, yet these witnesses do not believe that this circumstance led them to commit so grave an offence.

1. Wali, son of Asaf, of Chur Uria, aged 55 years.
2. Rosun Ali, son of Durlabh of the above place, aged 60 years.
3. Umed Ali, son of Badaruddy, of the above place, aged 60 years.
4. Abdul Selam, son of Kaem Mia, of the above place, aged 40 years.
5. Kalimuddy Bepary, son of Kemuddy, of the above place, aged 70 years.

6 P.M., Station.

2. Deputed the said Nur Mia, Constable, and Constable Govind Pal again to make inquiries in secret, and closed the diary of this date.

Despatched from Station. 18th September 1900, 8 A.M.

OSMAN ALI,
Sub-Inspector.

EXHIBIT A41.

No. 5883.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

W. Y. R.

To
SUB-INSPECTOR, STATION SUDHARAM.

No. 13, August.

Idris Mea ... ... *Complainant,*
versus
Sadak Ali and others ... ... *Accused.*

Section 302.

Diary No. 2 of the above case has been filed ; and you are informed that you should try your best to find out the real offender in this case.

No. 1708.

Received 4th September, 1900.

Signature (illegible).

On the back.

Received the order.

The 7th September, 1900.

OSMAN ALI,
Sub-Inspector.

File with record of the case.

W. Y. R.,
D. S.

The 8th September, 1900.

EXHIBIT A42.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

No. 6098.

W. Y. R.,
District Superintendent of Police.

To
SUB-INSPECTOR, STATION SUDHARAM.

Case No. 13, August , Section 302.

Inform the undermentioned accused persons in the above case to appear before me to-morrow during office hours. Dated 12th September, 1900 :—

Sadak Ali.
Aslam.
Emdadulla.
Anwar Ali.
Abdul Halim.
Osman Ali.
Fazar Ali.
Abdul Hakim.
Abdul Karim.
Yakub Ali.
Aminuddi.

On the back.

No. 1767.

Received 12th September, 1900.

LUKHI KANI,
(illegible).

I beg to submit that the order has been carried out.

OSMAN ALI,
Sub-Inspector.

The 16th September, 1900.

Order.

Put up with the file.

The 17th September, 1901.

W. Y. R.,
District Superintendent of Police.

EXHIBIT A 43.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE,
POLICE STATION, SUDHARAM.

Idris Mea ... ... *Complainant,*

versus

Sadak Ali and others ... ... *Defendants.*

Section 302, Indian Penal Code.

Number and date of 1st Information Report.—No. 13, 26th August, 1900, 8½ o'clock.

Instituted ditto.

Occurrence.—25th August, 1900.

Date and hour.—27th September 1900, 2 P.M.

1. Keramat Ali of Salla.
2. Amzad Gazi of Salla.
3. Samad Ali of Salla.
4. Arsad Ali of Chur Uria.
5. Abdul Aziz of Chur Uria.
6. Abdul Karim of Chur Uria.
7. Nunda Kumar Das of Chur Uria.
8. Nanda Kumar Chuckerbutty of Salla.
9. Sadat Ali of Chur Uria.
10. Asgar Ali of Chur Uria.
11. Hyder Ali of Chur Uria.
12. Abdul Latiff of Chur Uria.
13. Abdul Aziz of Chur Uria.
14. Wasil of Chur Uria.
15. Amir Khan of Salla.
16. Nur Mia of Chur Uria.
17. Amiruddin of Salla.
18. Abdul of Chur Uria.
19. Mahabbat Ali of Chur Uria.
20. Abdul Mazid of Chur Uria.
21. Arsad Meah of Chur Uria.
22. Ahamadulla of Chur Uria.
23. Amzad of Chur Uria.
24. Abbas Ali of Chur Uria.

1. Directed by the District Superintendent of Police to make inquiries of the persons named on the margin, at 12.30 a.m. this day I started from the town, accompanied by Govinda Pal, Ramdhun Bakya, Abdul Hamid, and Nur Mia, constables, and have now arrived at Peshkar's *hat* in village Salla, the place of occurrence.

8 P.M.

1. Asir of Salla.
2. Aslam of Salla.
3. Hasan Ali Chowkidar of Salla.
4. Ram Gopal Shaha of Salla.
5. Abdul Aziz of Chur Durbesht.
6. Karim Buksh of Salla.
7. Abdul Karim of Chur Uria.
8. Abdul Aziz of Salla.

2. This is the Peshkar's *hat* day. On the occasion of that *hat* I found present the marginally named persons, Nos. 1 to 17, aforesaid, who have come on receipt of notice from me, as also the persons, noted here on the margin, who have been cited by the complainant Idris Mia, and examined them consecutively with reference to the case, so far as I could up to this time. In spite of all endeavours on my part I could not cause the persons, Nos. 18 to 24, named on the margin of paragraph 1 to appear before me. I learn that some of them have on business gone to places within the jurisdiction of Station Hatia, and some to places within the jurisdiction of Station Lakhimpur; and where the rest have gone nobody can say. They will not probably return home soon. Complainant Idris says they have merely heard of the case, but are not eye-witnesses.

8 P.M. 3. Upon inquiries up to this time it appears to me :—

That the persons Nos. 1, 3, 6, 7, 8, 9, 11, 12, 14 and 16 of paragraph 1, and Nos. 2, 4 and 6 of paragraph 2 have heard from witnesses Hosain Ali, Torab Ali, Islam and Rajjab Ali that the offence was committed by the accused Sadak Ali, Aslam, Anwar Ali, Yakub Ali and Abdul Halim.

That the persons Nos. 2, 10, 13 and 15 of paragraph 1 and No. 7 of paragraph 2 have merely heard that Ismail Jagirdar has been killed ; but they did not come to know, nor heard at first by whom and in what manner he was killed. They have now heard from rumour that the said Hosain Ali and other witnesses say that the said Sadak Ali and others have committed this murder.

EXHIBIT A44.

A. Pennell,
Sessions Judge.

The 16th January, 1901.

That the witness No. 4 of paragraph 1 went to the house of the accused Aslam and Sadak Ali on the night of the occurrence accompanied by Hosain Ali Chowkidar, and found that they, the said accused, had made themselves scarce with their families ; but the witness No. 3 of the 2nd paragraph, *i.e.*, the said Hosain Ali Chowkiddar, says that he found the said two accused at home that night ; but he did not find them at home the next morning. At that time their families were at home. Witness No. 17 of paragraph 1 and witness No. 8 of paragraph 2 also, like the said Hosain Ali Chowkidar, say that they did not find the said two accused at home on the morning following the night of occurrence. Witness No. 1 of paragraph 2 also says that he heard from Hossain Ali Chowkidar of the absence of the two accused persons from home on the night of the occurrence.

That witness No. 5 of paragraph 2 who is a ferryman (says) that when it was past midnight, on the night of occurrence, the accused Sadak Ali and Aslam offered him Rs. 3 to get them ferried over to enable them to go to Hatia; but at that ghat a fare of 2 annas only per head is charged. As instead of that the two accused offered to pay up to Rs. 3 he suspected them of some bad motive for which he refused to ferry them over.

That the witness No. 5 of paragraph 1 heard on the very night of occurrence from the witness named Islam who gave evidence as an eye-witness before the District Superintendent of Police that the occurrence took place in the manner stated by Islam.

That the said witness Islam and the complainant Idris say that Islam and witnesses Torab Ali, Hassain Ali and Rajjab Ali gave evidence before the Sub-Inspector Osman Ali to the same effect as they did before the District Superintendent against the accused Sadak Ali, Aslam, Anwar Ali, Yakub Ali and Abdul Halim. I now start for the town contriving means to have in attendance the persons Nos. 18 to 24 of the 1st paragraph and giving special instructions to the local chowkidars (on that subject).

Mothura Nath Sen,
Inspector.

This diary was copied out yesterday ; but as I was out at 1 o'clock yesterday to arrest the accused persons in this case, and returned at 11 o'clock, it is signed and despatched now, 29th September 1900, 7 a.m.

W. Y. R.

The 15th October.

EXHIBIT A45.

A. Pennell,
Sessions Judge.

The 16th January, 1901.

Special Diary, Section 172, Criminal Procedure Code, Police Station, Sudharam.

Idris Mia ... ... *Complainant,*

versus

Sadak Ali and others ... ... *Defendants.*

Section 302, Indian Penal Code.

No. and date of 1st Information Report.—No. 13, dated 26th August 1900, 7½ p.m. to 8½ p.m.

Names of persons arrested and sent up.—Sadak Ali and Aslam.

Occurrence.—Between 25th August 1900, 10 a.m., and 26th August, 1900, 6 a.m.

Date and hour.—2nd October 1900, 8 P.M. Station.

1. In pursuance of the District Magistrate's order as conveyed by the Court Sub-Inspector Babu's letter No. 1,128, dated the 29th September, 1900, an A form is submitted in this case on cancellation of the C. form. Personal recognizance bonds of the undermentioned witnesses are put up with the A form. The Inspector Babu of the B Division has arrested the accused Sadak Ali and Aslam. Descriptions of their features have been taken down. It appears from the Court Sub-Inspector Babu's letter, that the accused Yakub Ali, Anwar Ali and Abdul Halim have surrendered themselves to the Court. The Court Sub-Inspector Babu is requested to send their descriptive rolls to the Station. Consultation has been held in this connection with the Inspector Babu of the B Division. No recognizance bond could be taken from the complainant's mother Rokia Banu, and Torab Ali's wife Sona Banu, amongst the witnesses, they being *purda* women; and the witnesses No. 3 to 6 have not been found. Therefore summonses should be issued by the Court upon the witnesses Nos. 3 to 6, and if necessary, upon the witnesses Nos. 1 and 2.

OSMAN ALI,
Sub-Inspector.

1. Rokia Banu, widow of Ismail Jagirdur, of Chur Uria.
2. Sona Banu, wife of Torab Ali, of Salla.
3. Hasan Ali, son of Mahammad Kamil, of Chur Uria.
4. Islam, son of Mahammad Diam, of Chur Uria.
5. Abdul Aziz, son of Amanuddy Miaji, of Chur Uria.
6. Abdul Aziz, ferry—ghat *maji* of Chur Durvesh.

No recognizance bonds have been taken from these witnesses.

7. Idris Mia, son of Ismail Jaigirdar, of Chur Uria.
8. Torab Ali, son of Bukshi, of Salla.
9. Rajjab Ali, son of Reshan Ali, of Chur Uria.
10. Atar Ali, son of Mahabuddy, of Chur Salla.
11. Abdul Aziz, constable, of Chur Uria.
12. Abdul, son of Ardus Mollah, of Salla.
13. Ahamadulla, of Chur Uria.

Recognizance bonds have been taken from these witnesses.

A *purwanna* may be issued requiring the personal recognizance bond of witness Mahabbat Ali, of Chur Uria, to be taken and submitted. This witness knows that the defendants Sadak Ali started with his family for his son-in-law's house at sunrise after the night of occurrence, the 6th October, 1900.

(Signature illegible.)

Despatched 3rd October, 1900, 8 a.m., Station.

Purwanah issued.

W. Y. R.

The 15th October, 1900.

EXHIBIT A46.

A. PENNELL,
Session Judge.

The 16th January, 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE. POLICE STATION, SUDHARAM.

Idris Mia ... ... *Complainant,*

versus

Sadak Ali and others ... ... *Defendants.*

Section 302, Indian Penal Code.

Number and date of First Information Report.—No. 13, dated 26th August, 1900.

Instituted between 7½ p.m. and 8½ p.m.

Occurrence.—Between 25th August, 1900, 10 a.m., and 26th August, 1900, 6 a.m.

Names of persons arrested and sent up.—Sadak Ali, Aslam, Anwar Ali, Yakub Ali and Abdul Halim.

Date and hour—the 14th October 1900, 8 A.M., Station.

1. At the time the A Form Report was submitted on the 2nd October last, the undermentioned witnesses could not be found, and recognizance bonds could not be taken from them and submitted. Subsequently a *purwana*, No. 6,552 under order of the 6th October was received on the 11th October from the Police Office, directing that recognizance bond should be taken also from the witness Mahabbat Ali of Chur Uria and transmitted. Yesterday Constable Mahammad Ali was deputed to secure personal recognizance bonds from the said Mahabbat Ali and the undermentioned witnesses for their attendance at Court on the day fixed. Mahammad Ali, Constable, has now returned and produced the personal recognizance bonds of the said Mahabbat Ali, and the witnesses Nos. 3 to 6, and he reports that the witnesses Nos. 1 and 2 could not be found; and that for this reason he could not get recognizance bonds from them. The said personal recognizance bonds are sent to Court with a separate Report in order that the same may be put up with the A Form. If the evidence of the witnesses Nos. 1 and 2 be necessary they may be summoned, as already suggested. The Court Sub-Inspector Babu is requested to include in the A Form the name of the said witness Mahabbat Ali.

Osman Ali,
Sub-Inspector.

1. Rokia Banu.
2. Sona Banu,
3. Hasan Ali.
4. Islam.
5. Abdul Aziz.
6. Abdul Aziz.

The ferry ghat Majhi.

W. Y. R.

The 15th October

Despatched—15th October, 1900, 8 a.m., Station.

EXHIBIT A47.

A. Pennell,
Session Judge.

The 16th January, 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE. POLICE STATION, SUDHARAM.

Idris Mia ... ... *Complainant,*

versus

Sadak Ali and others ... ... *Defendants.*

Section 302, Indian Penal Code.

Number and date of First Information Report.—No. 13, dated 26th August, 1900.

Occurrence.—25th August, 1900, 8½ o'clock.

Date and hour.—The 28th September 1900, 3 P.M., Chur Uria.

1. Received order this day at 12 a.m. from the District Superintendent of Police to arrest and send up to Court Sadak Ali, Aslam, Yakub Ali, Abdul Halim and Anwar Ali, accused in this case. Accordingly I started from town at 1 p.m., accompanied by Mahammad Ali Nur Mia and Govinda Pal, constables of Sudharam Station, and have now arrived at the house of Idris Mia, complainant, at the place of occurrence. Idris is not now at home; he has gone to Sudharam.

The 28th September 1900, 4 P.M., Chur Uria.

2. The accused Sadak Ali and Aslam live in the same house. On reaching their house I have taken Aslam into custody. I have been told that Sadak Ali has gone to town.

The 28th September 1900, 4 P.M., Chur Uria.

3. Went to the house of accused Yakub Ali, but could not find him also. The members of his family say that for the purpose of making medical treatment he went away this morning to some place not known to them.

The 28th September 1900, 4 P.M., Chur Uria.

4. Deputed Mahomed Ali Constable to search accused Anwar Ali. I came to the house of accused Abdul Halim, but could not find him also. I am told he also has gone somewhere this morning.

5. Again came to the house of complainant Idris. Constable Mahomed Ali came to say that accused Anwar Ali was not at home, and that he also went away somewhere this morning.

The 28th September 1900, 4 P.M., Chur Uria.

6. Complainant Idris returns home. He says he saw accused Sahak Ali, Yakub Ali and Anwar Ali in town this day at 10 or 11 o'clock. Hence I sent Constable Govinda Pal with Mirza Ali of complainant Idris' party and the local Chowkidar Kala Mia to town in search of the said accused persons; and considering that the said three persons may have by this returned home, as Idris has returned from town, I went to Anwar Ali's house. His mother and wife said that Anwar Ali did not return home. Hence out of suspicion I with Idris searched the house of the said Anwar Ali in the presence of Naimuddy Miji and Islam of Chur Uria, but could not find him.

The 28th September 1900, 5 P.M., Chur Uria.

7. Reached the house of Sadak Ali, where his wife and the wife of his brother Aslam were present; and out of similar suspicion I with Idris searched the house of the said Sadak Ali and Aslam in the presence of the said Naimuddi Miji and Dewan Ali of Salla. We did not find Sadak Ali.

The 28th September 1900, 5 P.M., Chur Uria.

8. Similarly I went to the house of Yakub Ali with the said persons, when Yakub Ali's wife, and Karim Buksh living in that house, were present there; and I searched the room of the said Yakub Ali and those of Aminuddi, Abdul Hakim and the said Karim Buksh who live in the same house with him, but did not not find him (Yakub Ali).

The 28th September 1900, 5 P.M., Chur Uria.

9. Reaching the house of accused Abdul Halim, in company with the said Naimuddi Miji and Dewan Ali, when his (Abdul Halim's) wife and Wali living in that house, were present there, I searched the room of the said Abdul Halim and that of Meher Ali who lives in the same house with him; (but) could not find Abdul Halim. We again came to the house of complainant Idris.

The 28th September 1900, 5 P.M., Chur Uria.

10. Searched for the accused Sadak Ali, Yakub Ali, Abdul Halim and Anwar Ali, but found no trace of them as yet. Govinda Pal Constable now returns with accused Sadak Ali and says that he found the said accused person within the musjid, in front of Sadhuram Station, at 6 p.m.; and that he could not find any of the remaining accused persons. Taking the said Sadak Ali into custody I sent him up along with Aslam, already arrested, to Court, in the charge of Constables Mahomed Ali, Govinda Pal, and Nur Mia. I deputed the local Chowkidars to search the accused Anwar Ali, Yakub Ali, and Abdul Halim; and directing the said three Constables to undertake the search of the said three accused persons after making over charge of the accused persons, I also now return to town.

The 28th September 1900, 9 P.M., Chur Uria.

MATHURA NATH SEN.,
Inspector.

Despatched from Sudder the 29th September, 1900, 4 p.m.

W. Y. R.

The 15th October.

EXHIBIT A48.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE.

W. Y. R.

The 15th October, 1900.

Idris Mia ... ... *Complainant,*

versus

Sadak Ali and others ... ... *Defendants.*

Section 302, Indian Penal Code.

Number and date of First Information Report.—No. 13, the 26th August, 1900, at 8½ a.m.

Date of occurrence.—The 25th August, 1900.

Date and hour.—The 4th October 1900, 10 A.M., town.

1. My diaries of the 27th and 28th September last, in this case, show that the witnesses Nos. 18 to 24 of paragraph 1 of the diary of the said date, 27th, had not been found. Subsequently, on the 2nd October last, I delivered at Sudhuram Station for service, the summonses on the said seven persons fixing this day (for appearance). Mahabbat Ali of Chur Uria, No. 19, has now entered appearance; and he has been examined by me.

The 4th October 1900, 12 A.M, town.

2. Arsad Mia, witness No. 21, and Abbas Ali, witness No. 24, have similarly entered appearance; and inquiries have been made of them, one after another.

The 4th October 1900, 3 P.M., town.

3. Abdul, No. 18, and Amjad, No. 23, of Salla, (not of Chur Uria) have similarly entered appearance; and inquiries have been made of them also, one after another.

The 4th October 1900, 6 P.M., town.

4. The remaining witnesses, No. 23 (20?) Abdul Majid, and No. 22, Ahamadulla, have not entered appearance as yet. Complainant Idris says that the said two persons have heard of the occurrence afterwards, and are not aware of anything else.

It appears from the evidence of the said five persons (witnesses) examined to-day, that at sun-rise next following the night of occurrence the defendant Sadak Ali, with his wife, was on his way to the house of his son-in-law, Munshi Meah, when he was seen by witness Mahabbat Ali; and the said Sadak Ali told him that Islam Jagirdar had been killed at night, and that fearing that the Daroga would come, he was going with his wife to his said son-in-law's house. The remaining four witnesses heard from witnesses Hosan Ali, Torab Ali and others, a day or two after the occurrence, that this murder was committed by the accused Sadak Ali, Aslam, Yakub Ali, Abdul Halim and Anwar Ali. Further, a day or two before the occurrence, on a Friday, in course of an altercation between Sadak Ali and Islam Jagirdar about the damage done by Sadak Ali's cows to Islam Jagirdar's paddy, Sadak Ali threatened to kill Islam Jagirdar; and this fact is known to witness Amjad; and witness Abdul saw the said Jagirdar on his way home from town after dusk on the day of occurrence.

MATHURA NATH SEN.,
Inspector.

Despatched from Sudder, 5th October, 1900, 3 p.m.

EXHIBIT A49.

A. PENNELL,
Sessions Judge..

The 16th January, 1901.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE.

Idris Mea ... ... *Complainant,*

versus

Sadak Ali and others ... ... *Defendants.*

Section 302, Indian Penal Code.

Number and date of First Information Report.—No. 13, dated 26th August, 1900, 8½ a.m.

Occurrence.—25th August, 1900.

W. Y. R.

The 15th October,

Date and hour.
5th October 1900, 3 P.M.

1. Witness Ahamadulla, No. 22, mentioned in yesterday's diary, has entered appearance. From inquiries made of him, I have come to know that after dusk, on the day of occurrence, the said witness saw the deceased Islam Jagirdar on his way home from the town, at a distance of a mile and a half from his house.

MATHURA NATH SEN,
Inspector.

Despatched from Sudder, 6th October, 1900, 4 p.m.

EXHIBIT 50.

A. Pennell,
Sessions Judge.

The 16th January, 1901.

COURT SUB-INSPECTOR'S CONCISE MEMO.

1. Name of Police Station	Sudharam Police Station.
2. Number and date of First Information ...	No. 13, dated 26th August, 1900.
3. Number and date of A Form	No. 45, dated 2nd October, 1900.
4. Offence	Murder of Ismail Jagirdar—Section 302, Indian Penal Code.
5. Number and date of Special Diaries ...	No. 25, dated 2nd October, 1900.
6. Date of receipt of Dairies, with explanation for delay.	Dated 3rd October, 1900.
7. Name of complainant	Idris Meah.
8. Name of accused, sent up, and whether identified.	(1) Sadak Ali, (2) Aslam arrested, (3) Anwar Ali, (4) Abdul Halim, and (5) Yakub Ali, surrendered.
9. Name of absconding accused	Nil.
10. Details of previous convictions	Nil.
11. Property stolen and recovered	Nil.
12. Name of Investigating Officer	Sub-Inspector Osman Ali Miah.

Below should be given in the following sequence :—

(A) History of case, (B) Points to be proved, (C) Evidence available to prove each point. B and C should be given in parallel Columns facing each other.

(A) In this case after prolonged investigation, C Form trial was submitted on the 27th September, 1900. The District Magistrate, having directed an A Form to be submitted in this case; A Form was submitted against the accused persons shown in Column 8 for trial for the 15th instant. Thirteen witnesses named in A Form on behalf of prosecution.

A. Pennell,
Sessions Judge.

The 16th January, 1901.

(B) 1. That the body of the deceased was found floating in his tank.	(C) 1. Complainant and his mother Rokiya Banu, to prove this point.
2. That the deceased was seen in the evening of the night of occurrence going towards his home.	2. Ahmedulla and Abdul Aziz and another, Abdul Aziz to prove this point.
3. That the accused, Sadak Ali, Aslam, Anwar Ali, Abdul Halim, and Yakub Ali, seized and carried away the deceased, Ismail Jagirdar, from his way home.	3. Witnesses, Hosen Ali and Torap Ali, to prove this fact.
4. That the deceased was seen being beaten by the accused at the presence of witnesses Hosen Ali and Torap Ali.	4. Witness Atar Ali to prove this point.
5. That the accused, Sadak Ali, Aslam, Abdul Halim, and Yakub Ali were seen sitting by the side of the roads in the evening of the night of occurrence.	5. Witness Rajob Ali to prove this fact.
6. That witness, Torap Ali, told his wife to have seen a dead body being carried in the night of occurrence by four persons.	6. Witness Sona Bani's (?) to prove this fact.
7. That the accused, Sadak, Aslam, Abdul Halim and Yakub Ali were seen carrying a body.	7. Witness Islam to prove this point.
8. That it was heard from witness Islam that a body had been seen carried by accused, Sadak, Aslam, and two others.	8. Witness Abdul to prove this point.
9. That the accused, Sadak and Aslam, requested the Ferryman to have them crossed the river Hatia Channel in the night of occurrence.	9. Witness Ferryman Abdul Aziz.
10. That in the early morning following the night of occurrence accused Sadak Ali going with his wife to his father-in-law's house.	10. Witness Mahabat Ali to prove this fact.

Krishna Kishore Kar.

The 14th October, 1900.

EXHIBIT A51.

No. 6083.

A. Pennell,
Sessions Judge.

The 16th January, 1901.

PURWANA FROM THE OFFICE OF THE DISTRICT SUPERINTENDENT OF POLICE AND CORRESPONDENCE BETWEEN THAT OFFICE AND THE SUB-INSPECTOR, OSMAN ALI.

W. Y. R.

No. 13, August, 1900.

Sub-Inspector, Sudharam.

Idris Mea ... ... *Complainant,*
versus
Sadak Ali and others ... ... *Accused.*

Case under Section 302.

It appears on reference to the Special Dairy No. 5 of this case which is again *peshed* to-day, that the Divisional Inspector Babu reached the place of occurrence on the 30th August at 11 a.m., for supervising this case; but it does not appear, either from the said Diary, or from any one of the Diaries up to the Diary No. 15, on what date and in what time he returned since then. It is, therefore, ordered that you shall submit the particulars of his return by entering the same in the Diary. The 11th September, 1900.

(Signature illegible),
Head Mohurir.

No. 1768.

Received 12th September, 1900.

Lukhi Kanta,
Writer Constable.

Submitted—

That the Divisional Inspector Babu supervised the case, being present at the place of occurrence on the 30th and 31st of August, and on the 1st, 2nd, 3rd, and 5th of September. There are entries in the Diary of the dates on which he subsequently went to and returned from the place of occurrence. The 16th September, 1900.

Osman Ali,
Sub-Inspector.

No. 3635.

Ordered that it is returned for showing in the Diary of what date and in what paragraph the date and hour of his return after his first visit to the spot are mentioned.

(Signature illegible.)
W. Y. R.,
D. S.

The 17th September, 1900.

No. 6221.

No. 1817.

Received—18th September, 1900.

(Signature illegible.)

Submitted that.

(Signature illegible.)

EXHIBIT A52.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

Submitted—

That arrival is mentioned in paragraph 5, and departure is mentioned in paragraph 12 of Diary No. 20 of the 14th September. Again, arrival is mentioned in paragraph 2, and departure is mentioned in paragraph 4 of Diary No. 21 of 15th September. This is submitted. The 21st September, 1900.

OSMAN ALI,
Sub-Inspector.

No. 3721.

The Inspector Babu left the place of occurrence between the 30th August and the 9th September. As there was no information submitted in that connection, so the *purwana* was issued. It is, therefore, necessary that the Office should get answer on that point. Nothing was asked as to what happened on the 14th September or afterwards. It is, therefore, returned. The 22nd September, 1900.

No. 6356.

No. 1888.

Received—24th September, 1900.

(Signature illegible.)

W. Y. R.,
D. S.

Submitted—

As it (information) was not recorded, I have no explanation on this point. The 25th October, 1900.

OSMAN ALI,
Sub-Inspector.

Ordered that it be put up with the record. The 25th October, 1900.

B. C. M. I.,
for D. S.

EXHIBIT A53.

A. PENNELL,
Session Judge.

The 16th January, 1901.

PURWANA TO THE SENIOR SUB-INSPECTOR, STATION SUDHARAM, DATED THE 6TH OCTOBER, 1900.

No. 6552.

Senior Sub-Inspector in charge of Station Sudharam.

Diary No. 25 of the 2nd October, 1900, in case under Section 302, of Indian Penal Code, No. 13, of the month of August, being *peshed* this day, it is ordered, that recognizance be taken from witness Mohabbat Ali, of Chur Uria. This witness knows that the accused Sadak Ali, accompanied by his wife, was going to his son-in-law's house at sunrise on the day following the night of the occurrence. The 6th October, 1900.

(Signature illegible.)

No. 1977

Received—11th October, 1900.

(Signature illegible.)

Submitted—

That agreeably to order recognizance has been taken from witness Mohabbat Ali and that the same is submitted to Court along with my report. The 14th October, 1900.

OSMAN ALI,
Sub-Inspector.

Ordered that it be put up with the record.

W. Y. R.,
D. S.

The 16th October, 1900.

EXHIBIT A54.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

Copy of remarks made by the District Superintendent of Police, Noakhali, in Diary No. 5 in case No. 13 of August, 1900, Police Station, Sudharam.

Idris Mia ... ... *Complainant,*
versus
Sadak Ali and others ... ... *Defendants.*

"The Sub-Inspector does not seem to have questioned the accused as to the actual occurrence or whether they were present. The Inspector must see that important points are made quite clear."

W. Y. REILY,
D. S. P.

The 1st September, 1900.

Copy forwarded to the Inspector A Division for information and guidance.

W. Y. REILY,
District Superintendent of Police, Noakhali,

Dated Noakhali Police Office,
The 3rd September, 1900.

On back.

Diaries Nos. 5 and 6 read together will show the substance of the defence taken by the accused. The 7th September, 1900.

OSMAN ALI,
Sub-Inspector.

No. 821.

Received.

(Signature illegible.)

The 8th September, 1900.

EXHIBIT A55.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

No. 6065.

SUMMONS TO WITNESSES.

No. 1752.

Received—10th September, 1900.

LUKHI KANTA,
Writer-Constable.

Made over to Ismail Constable.

Form of summons, Sections 160 and 175, Criminal Procedure Code.

Summons to—

1. Torap Ali, son of Bukshi Chowkidar.
2. Wased.
3. Islam, father's name not known.
4. Hosain Ali.
5. Abdul Lutiff.
6. Arsod Ali.
7. Rajjab Ali.
8. Mohabbut Ali.
9. Abdul Mojid.
10. Abdul Aziz.
11. Azgar Ali.
12. Islam.
13. Ahamad Ali.
14. Atar Ali.
15. Abdul.
16. Amzad Gachi
17. Ahmedulla.
18. Abdul Aziz, Constable.
19. Keramat Ali.
20. Abdul Aziz.
21. Nand Kumar Das.
22. Abdul Gunny.
23. Mohabbat Ali Miaji.
24. Hyder Ali.
25. Nur Mia.
26. Arsud Mia.
27. Nand Kumar Chuckerbutti.
28. Amir Khan.
29. Amiruddin.
30. Samad Ali.
31. Atar Ali, inhabitants of Chur Uria, Thana Sudharam.

Idris Mea ... ... *Complainant,*

versus

Sadak Ali ... ... *Accused.*

Case under Section 302.

Whereas you have been cited as witnesses in the case on behalf of the complainant, it is necessary that you should be in attendance for the purpose of giving evidence. You are, therefore, ordered to appear before me in Office, on the 12th September of the current year, at 8 a.m. Don't fail to appear as directed.

W. Y. REILY,
District Superintendent of Police,
Noakhali.

The 10th September 1900.

(On back.)

Abdul Aziz.
Keramat Ali.
Amir Khan, of Chur Salla
Azgar Ali.

Arshad Ali.
(Illegible.)
Arshad Ali.
Abdul Aziz, of Chur Uria.
Ahmed Ali, of Chur Uria.
Samad Ali.
Atar Ali.
(Illegible.)
Torap Ali.
Hosain Ali.
Nand Kumar Chuckerbutti.
Mohabbat Ali.
Abdul Mia.

Submitted, that return for the service of the summons has been submitted by the Constable on a separate piece of paper, which is sent herewith.

LUKHI KANTA,
Writer-Constable.

The 11th September 1900.

EXHIBIT A56.

A. PENNELL,
Sessions Judge

The 16th January 1901.

RETURN OF THE SERVICE OF SUMMONS BY ISMAIL, CONSTABLE, DATED THE 11TH SEPTEMBER 1900.

I beg to submit that the accompanying summons No. 6065 of the Office having been made over to me for service, I visited the locality, and found witnesses, No. 7, Rajab Ali; No. 1, Torap Ali; No. 9, Abdul Majid; and No. 16, Amjad Gachi, and I served the summons by putting a copy thereof in the hand of each of them, in the presence of Koilash Chunder Dhupi and Tarak Chunder Das, of Chur Uria. Then in the presence of Bewu Mia of Chur Uria and Amiruddin Majhi of Sallah, I found witnesses, No. 19, Keramat Ali; No. 10, Abdul Aziz; No. 4, Hossain Ali; and No. 8, Mahabbat Ali, and served a copy of the summons on each of them by placing the same in his hand. Witness No. 21, Nand Kumar Das not being found, the copy of the summons in his name has been served at his house by attachment thereof to his hut, in the presence of Koilash Chunder Dhupi and Tarak Chunder Das, of Chur Uria. I found witnesses, No. 30, Samad Ali, and No. 13, Ahmad Ali, and served a copy of the summons on each of them personally, in the presence of Chowdhry Mia, Akram Ali, and Kolim Mia, of Salla; and, as I could not find witness No. 22, Abdul, I served the summons by having the same hung up to his dwelling-house. Witness No. 18, Abdul Aziz, Constable, not being found, I served the summons by having the same hung up at his dwelling-house in like manner in the presence of Abdul Hossein, of Chur Uria. Witness No. 17, Ahmedulla, was found, and the summons in his name was personally served on him in the presence of Tomizuddin and Ashraf Ali, of Chur Uria. Witness No. 3 not being found, the summons in his name was hung up to his dwelling-house, and thus served in the presence of Ibrahim and Musa Mir, of Chur Uria. Witnesses No. 26 and 24, Arshad Ali and Hyder Ali, being found, the copies of the summons in their respective names were personally served on them in the presence of Sadak Ali and Nazamuddin, of Chur Uria. Witness No. 25 (?), Abdul Gunni, not being found, the copy of the summons in his name was put into the hands of his brother, Manu Mia, living in the same mess with him, and was thus served in the presence of the above persons. Witness No. 28, Amir Khan, was found, and the copy of the summons in his name was handed over to him, and thus served in the presence of Fazul Rahaman, of Chur Uria. Witness No. 20, Abdul Aziz, and witness No. 11, Azgar Ali, being found, the copies of the summons in their names were personally served on them respectively, in the presence of Ahmed, of Chur Uria. Witness No. 6, Arshad Ali, was personally served with the summons, in the presence of Arshad Mia and Mahomed Hosain, of Chur Uria. Witness No. 5, Abdul Lutiff, not being found, the copy of the summons in his name was handed over to his brother, Abdul Hamid, living in commensality with him, and was thus served. Witnesses No. 29, Amiruddin, and No. 27, Nund Kumar Chukrabatti, were found, and the copies of the summons in their names were personally served on them, in the presence of Akpan Ali, of Chur Uria, and Yakub Ali, of Dhorampurah. Witness No. 23, Mohabbat Ali, being found, the copy of the summons in his name was placed in his hand, and thus served in the presence of Rohim Buksh, of Chur Uria, and Yiasin, of Salla. Witness No. 31, Ator Ali, was served with the copy of the summons in the presence of Yakub Ali, now residing at Chur Uria, and got his signature in the original summons; and it was in the presence of the said Yakub Ali that the summons to witness No. 25, Nur

Mea, was affixed to his dwelling-house, and thus served. There were two summonses issued to witness No. 12, Islam, and Constable Mohesh Singh having served one of them, submitted a separate return in respect thereof. The other summons in his name, and one of the two summonses in the names of witness No. 14, Atar Ali, and witness No. 13, Atar Ali, who were stated by the complainant to be the same man, and on whom only one summons was served, are sent back herewith. The 11th September, 1900.

ISMAIL,
Constable.

EXHIBIT A57.

A. P. PENNELL,
Sessions Judge.

The 16th January, 1901.

EXHIBIT A58.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

SUMMONS TO WITNESS ISLAM (II.)

Form of Summons, Sections 160 and 175, Criminal Procedure Code.

Summons to Islam (II) of Chur Uria, Station Sudharam.

Idris Mea... ... ... *Complainant*,

versus

Sadak Ali... ... ... *Accused.*

Case under Section 302.

Whereas you have been cited as a witness in the above case on behalf of the complainant, it is necessary that you should appear for giving evidence. You are, therefore, ordered to be in attendance before me in office on the 12th September, of the current year, at 8 a.m.

fail to appear as directed.

W. Y. REILY,
District Superintendent of Police,
Noakhali.

The 10th September, 1900.

EXHIBIT A59.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

SUMMONS TO WITNESS ATAR ALI, DATED THE 10TH SEPTEMBER, 1900.

Form of Summons, Sections 160 and 175, Criminal Procedure Code.

Summons to Atar Ali, of Chur Uria, Thana Sudharam.

Idris Mea... ... ... *Complainant*,

versus

Sadak Ali... ... ... *Accused.*

Case under Section 302.

Whereas you have been cited as a witness in the above case, on behalf of the complainant, it is necessary that you should appear for giving evidence. You are therefore ordered to be in attendance before me in office on the 12th September, of the current year at 8 a.m.

Do not fail to appear as directed.

W. Y. REILY,
District Superintendent of Police,
Noakhali.

The 10th September, 1900.

EXHIBIT A60.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

PETITION OF TORAB ALI, ATAR ALI AND OTHERS OF CHUR URIA STATION SUDHARAM, TO THE DISTRICT MAGISTRATE, DATED THE 21ST SEPTEMBER, 1900.

IN THE COURT OF THE DISTRICT MAGISTRATE OF NOAKHALI.

We, Torab Ali, son of the late Bukshi Chowkidar, and Atar Ali, son of Moharuddi, inhabitants of Salla, and Abdul Aziz, son of Amanuddin Miji, Rajjab Ali, son of Roshan Ali, Hassan Ali, son of Mahomed Kamil, Abdul Mojid, son of Motiulla, Nur Mia, son of Gura Gaji and Haider Ali, son of Bakshi Patwari, inhabitants of Chur Uria, Thana Sudharam, beg to state as follows :—

In the case of the murder of Ismail Jaigirdar of Chur Uria, the District Superintendent of Police took up the investigation agreeably to the order of this Court, and we have given evidence before him in support of the complainant's case. The investigation was at first being conducted by Osman Ali Mia, Sub-Inspector attached to the Sudharam Thana ; but the said Ismail Jaigirdar's son apprehending that the accused persons being relatives of the said sub-inspector and his *baibahik* Amjad Mia and being on friendly terms with them there would be no proper enquiry made by him, filed a petition in this Court, whereupon the Court entrusted the District Superintendent of Police with the charge of holding investigation in the case. The Daroga Saheb aforesaid requested us in various ways not to give evidence in the case. But we did not act up to his dictates, and we deposed to what we actually knew before the District Superintendent. On that account the said Daroga being greatly annoyed with and infuriated against us and the complainant's party and the advocates of his cause, Sadak Ali and others, and since he has been holding out such threats both in our presence and in our absence, that we have got extremely frightened. Last Saturday (30th Bhadra, *i.e.*, 15th September) the District Superintendent of Police was accompanied by the said Daroga in his visit to the spot for local enquiry. After the departure of the District Superintendent we too were going back to our houses when we met the Daroga at Peshkar's *hat* on the way. He abused us in various ways and threatened us in these terms, *viz.*, (he will) "pour down water on the head," "put us into jail" "compel us to leave the country" and so forth. The people also came to know that the Daroga was really indignant at us. We are poor people, and Osman Ali, who is a man of property living within the jurisdiction of the Sadar Thana, and who holds a high post in the local police, can easily put people like us into trouble if he like to do so. We are not in a position to sue him in a proper Court, and to oppose him as his rivals. The court is our Protector and is also the master of the said Daroga. We, therefore, pray that the Court may be pleased to keep an eye on us, so that no oppression can be practised on us. The 21st September, 1900.

Writer,
SHYAMA CHURN RAI,
Mohurir.

No. 588.

To

District Superintendent of Police for note and return.

(Illegible).
D. M.

The 21st September, 1900.

TORAB ALI.
HASSAN ALI.
HAIDER ALI.
ABDUL AZIZ.
RAJJAB ALI.
ATAR ALI.
NUR MIA.
(By mark),
ABDUL MOJID,
(By mark).

EXHIBIT A61.

A. PENNELL,
Sessions Judge.

The 16th January, 1901.

No. 6006.

PURWANA TO THE SUB-INSPECTOR OF POLICE, SUDHARAM, DATED THE 7TH SEPTEMBER, 1900.

To

The Sub-Inspector in charge of Station Sudharam.

Agreeably to the order passed by the Magistrate you are hereby directed to inform Idris Mia, complainant, in case No. 13 of your station for the month of August under Section 302, Indian Penal Code, that he is directed to appear before me at Sudharam Station with the witnesses, who will prove the case, on the 9th day of this month. You are to send per bearer a receipt acknowledging that he got the information through you. The 7th September, 1900.

No. 1730.

Received on 7th September, 1900.

(Signature illegible.)
W. Y. R.,
District Superintendent.

(On back.)

I have read the order, and I am acquainted with its contents. The 8th September, 1900.

IDRIS MEA.

Names of witnesses in whose presence the order was shown :—

1. Naimuddi Miji.
2. Apsaruddi Bhuia.
3. Arsad Mia.
4. Miajan Bepari.
5. Keramat Ali.
6. Yakub Ali of Chur Uria.
7. Wajuddi Khalifa of Chur Salla.

Submitted that the order has been communicated to the complainant in the presence of the parties whose names are given in the margin. The complainant read the order and then put his own signature. Submitted for information. The 8th September, 1900.

OSMAN ALI,
Sub-Inspector.

Ordered.

That it be put up with the record, the 12th September, 1900.

W. Y. R.,
District Superintendent of Police.

EXHIBIT B1.

A. PENNELL,
Sessions Judge.

The 17th January, 1901.

No. 1.

SPECIAL DIARY, SECTION 172, CR. P. C., POLICE STATION, OUTPOST.

Idris Mea ... ... *Complainant,*

versus

Sadak Ali and others ... ... *Defendants.*

Section 302, Indian Penal Code.

Number and date of 1st Information Report.—No. 13, dated the 26th August, 1900.

Names of persons arrested and sent up.

Names of persons arrested and bailed, &c.—Section 169, Criminal Procedure Code.

N.B.—In final Diary value of property stolen and recovered to be stated, also Form in which Final Report submitted. The instructions of Rule 65 (*c*) and (*d*), Chapter XVI., of Bengal Police Code, to be carefully observed.

Date and hour—9th September 1900, 11 A.M. Circuit house.

On the 6th instant, the complainant petitioned Magistrate that some persons deposed before the Police that the accused actually caused the death of his father, but the Investigating Officer (Sub-Inspector Osman Ali), to whom they are directly or indirectly related, took no action against them, and that the Supervising Officer (Inspector Bharat Chunder Mozumdar) was also doing nothing.

Under orders of the Magistrate, on complainant's petition, I directed on the 7th the complainant to produce his witnesses before me. He turned up to-day and pleaded his inability to produce them without issue of summonses. I have recorded his statement under Section 161, Criminal Procedure Code, and directed him to submit a list of witnesses.

Date and hour, 6 P.M. Circuit house.

The complainant failing to submit his list of witnesses up to this hour, I close to-day's Diary.

W. Y. REILY,
District Superintendent.

The 9th September, 1900.

EXHIBIT B2.

A. PENNELL,
Sessions Judge.

The 17th January, 1901.

STATEMENT OF IDRIS MEA, SON OF ISMAIL JAIGIDAR, OF CHUR URIA.

I cannot bring my witnesses without their being summoned. I do not know the names of all the witnesses. Torap Ali, son of Bukshi Chowkidar of Chur Uria, Wasil, father's name not known, of Chur Uria, and Abdul Karim, father's name not known, of Chur Uria, Ismail, father's name not known, are my witnesses. Besides these, I do not know the names of any other witnesses. Some of the above witnesses saw my father killed. These witnesses were examined by the Sub-Inspector. I heard from the villagers that some of the above witnesses told the Sub-Inspector that they had seen my father killed. Who told me I cannot remember. Besides the above, I can produce other witnesses, and can submit a list of them. I know nothing about the occurrence.

W. Y. REILY,
District Superintendent.

The 9th September, 1900.

EXHIBIT B3.

A. PENNELL,
Sessions Judge.

The 17th January, 1901.

No. II.

SPECIAL DIARY, SECTION 172, CR. P. C., POLICE STATION OUTPOST.

Idris Mea ... ... *Complainant*,
versus
Sadak Ali ... ... *Defendant*.

Section ——, Indian Penal Code.

Number and date of 1st Information Report.—No. 13, dated 26th August, 1900.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, &c.—Section 169, Criminal Procedure Code.

Date and hour—10th September, 1 P.M., Police Office.

The complainant having submitted his list of witnesses, I have directed my Office to issue summonses through the Sudder Station under my signature calling them to appear before me, on the 12th at 8 a.m. at the Police Office.

The diary is closed.

W. Y. REILY,
District Superintendent.

The 10th September, 1900.

P.S.—The list of witnesses is annexed.

W. Y. REILY,
D. S.

The 10th September, 1900.

EXHIBIT B5.

The 17th January, 1901.

A. PENNELL,
Sessions Judge.

No. III.

SPECIAL DIARY, SECTION 172, CR. P. C., POLICE STATION OUTPOST.

Idris Mea	*Complainant,*
versus	
Sadek Ali and others	*Defendants.*

Section 302, Indian Penal Code.

Number and date of 1st Information Report.—No. 13, dated the 26th August, 1900.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, &c.—Section 169, Criminal Procedure Code.—

N.B.—In Final Diary, value of property stolen and recovered to be stated; also form in which Final Report is submitted. The instructions of Rule 65 (*c*) and (*d*), Chapter XVI. of Bengal Police Code, to be carefully observed.

Date and hour—12th September, 1900, 1.30 P.M., Police Office.

1. The complainant submits a list of witnesses present—*vide* the enclosure. I shall examine these witnesses one by one.

1.30 P.M. to 4.30 P.M.

2. Examined witnesses 1, 2 and 3, and recorded their statements under Section 161 Criminal Procedure Code.

1, Hasan Ali; 2, Torab Ali; 3, Islam.

Witness No. 4, Latif, knows nothing of the occurrence, ascertained from him that deceased was on bad terms with the accused.

Recorded statement of witness No. 5, Rajjab Ali, under Section 161, Criminal Procedure Code.

6, Nur Mea; 7, Abdul Aziz. 8, Abdul; 9, Keramat Ali; 10 Abdul Karim; 11, Azgar Ali; 12, Nanda Kumar Chakerbutty; 13, Nanda Kumar Das; 14, Hyder Ali; 15, Mohabbat Ali; 16, Abdul Majid; 17, Abdul Aziz; 19, Arshad Ali; 20, Arshad Mia; 21, Samed Ali.

Questioned the marginally-named witnesses; they know nothing of the occurrence. Ascertained from them that the accused were on bad terms with the deceased. Witness No. 18 disappeared.

Recorded the statement of witness No. 22, Atar Ali Section 161, Criminal Procedure Code.

23, Amirnddin; 24, Amjad Gachi; 25, Sadak Ali; 26, Wasil; 27, Ahmadulla; 28, Amir Khan.

Examined the marginally-named witnesses. They know nothing of the occurrence. They knew that the accused were on bad terms with the deceased.

Witness No. 29, Amjad, disappeared, The complainant does not wish to examine him and witness No. 18.

Questioned witness No. 30, Abbas Ali, who knew nothing of the occurrence.

Recorded the statement of witness No. 31, Abdul Aziz, under Section 161, Crimina Procedure Code.

EXHIBIT B6.

A. PENNELL,
Sessions Judge.

The 17th January, 1901.

4.30 P.M., Police Office. Questioned witness No. 32, Ahmad Ali who knows nothing of the occurrence.

I close to-day's diary.

W. Y. REILY.

The 12th September, 1900.

REMARKS.

I have ordered the Sudharam Police to inform the accused to appear before me to-morrow, at noon.

W. Y. REILY.

The 12th September, 1900.

EXHIBIT B8.

A. PENNELL,
Sessions Judge.

The 17th January, 1901.

STATEMENT OF HOSEIN ALI, WITNESS NO. 1.

My name is Hosein Ali, father's name Mahomed Kamil, resident of Chur Uria, Police Station Sudharam.

I saw accused Sadak Ali, Aslam and Anwar Ali, catch the deceased by the neck and waist on the night of a Saturday. I do not remember the date. It was in Bhadro. The first accused held him by the neck, the other two held him by the waist. They seized deceased near deceased's house on the public road, about 2 or 3 *kanis* to the east. It was about 6 *ghoris* of the night. It was dark, it had been raining but the rain had stopped then. The deceased called out " Mago mago " when he was seized. I saw deceased seized by the flashes of lightning. Torap Ali was also with me then; he also saw deceased seized. I saw deceased seized from a distance of 6 cubits. We saw the above accused carrying deceased towards the back of his house. I and Torap Ali spoke to the accused, " why are you beating Ismail Jagirdar ? " they replied, " you get away " saying which they went towards the tank. We did not give information to the relatives of the deceased. The deceased house is about 3 *kanis* from the place where deceased was seized. We shouted, when three persons came to the bank of the tank, and saw the occurrence. I cannot give their names. I and Torap Ali saw the deceased seized, but did not see him killed. I and Torap Ali went to our houses. We did not go to Ismail Jaigirdar's house I did not tell this to my wife, mother, or any members of my household. I enquired from Chowkidar Osman Ali's mother, whether he (Osman Ali) was at home; she said he was absent. We mentioned the occurrence to Osman Ali's mother. We also told this to Atar Ali whom we met at the gate-way of Hor Chandra's house. We were going home from Bellew Sahib's *hat*. On the following morning at about 4 *ghoris*, I heard that Ismail Jaigirdar was killed, even then I did not mention the occurrence to my relatives, or to any other persons. My house is about a mile from deceased's house. I have no enmity with the aforesaid accused.

I was examined by Sub-Inspector Osman Ali, and made similar statement to him, The inspector did not question me. I have never been punished in a criminal case.

W. Y. REILY,
District Superintendent.

The 12th September, 1900.

EXHIBIT B9.

A. PENNELL,
Sessions Judge.

The 17th January, 1901.

EXHIBIT B10.

A. PENNELL,
Sessions Judge.

The 17th January, 1901.

STATEMENT OF TORAP ALI, WITNESS No. 2.

My name is Torap Ali, father's name Bakshi, resident of Salla, Police Station Sudharam.

My house is about 2 kanis from Hosan Ali's house. I saw Ismail Jagirdar killed by Sadak Ali, Aslam and Anwar Ali; some other persons also seized the deceased, but I could not recognise them; these persons came afterwards, they were five or seven in number. About 10 persons in all seized the deceased. It was on the night of a Saturday. It was in the month of Bhadro; I do not know the exact date. The occurrence took place to the east of Ismail Jagirdar's tank in front of his house, on the road which leads to his house; the distance where the deceased was seized to the tank is about 9 *nals*. He now says he did not see the deceased killed. Accused Sadak Ali seized the deceased by the neck, Anwar Ali held him by the legs, and Aslam held him by the waist, and how the other seven persons held him I cannot say. All the 10 accused carried the deceased to the tank. I cannot say what they did with him. I and Hosan Ali were together; we were returning home from Bellew Sahib's *hat*. We did not follow the accused. We called out, "why are you killing this man?" they replied, "go away." We raised an outcry, but no one came. The night was dark and it was raining a little. We saw what was taking place by the flashes of lightning. We did not mention anything to the inmates of Ismail Jagirdar's house. We did not go to his house. Through fear we did not say anything about it. We met Atur Ali near Asabuddi's house on the public road (Trunk-road) to whom we mentioned that Sadak Ali and others were killing Ismail Jagirdar. I know Hor Chundra. A road runs between Ashabuddi's and Hor Cundra's *bari*, the distance between them is about 4 *kanis*. Both their houses are surrounded by *supari*, cocoanut and *madar* trees. The gate-ways of both the houses face the east. Where we met Atur Ali, is about half a mile from Hor Chundra's house. I did not ~~mention the occurrence to any~~ one of my house-hold except my wife, Sona Banu or to any one else that night. On the following day I did not say anything to any one. We went to the gate-way of Chowkdar Osman Ali's house and called out to him, his mother replied he was not at home. We informed Osman Ali's mother of the occurrence from the gate-way. On the following morning I heard that Ismail Jagidar was killed. I did not see his body. We did not see Osman Ali's mother.

I was examined by Sub-Inspector Osman Ali to whom I made a similar statement. Nanda Basi, Nanda Thakur, Hosan Ali and some others were present when I gave my evidence to the Sub-Inspector. The Inspector did not examine me. I was once fined in a "*mar pit*" case. Osman Ali *challaned* me. Hosan Ali did not give evidence in that case, he is not related to me. It was about 4 *gharis* of the night when Ismail Jagidar was seized by the accused. I am not related to Ismail Jagirdar. Save Hosan Ali and I no one else saw the occurrence. Through fear we did not attempt to rescue the deceased from the accused. When deceased was seized, he called out "*mago, mago, marilo, re, marilo re.*" We did not give information to the Thana through fear. I and Hosan Ali were examined by the Sub-Inspector on the Tuesday, 7th or 8th of Bhadra. We were examined at about 1 *prohar* of the day.

W. Y. REILY,
District Superintendent.

The 12th September, 1900.

EXHIBIT B11.

A. PENNELL,
Sessions Judge.

The 17th January, 1901.

EXHIBIT B12.

A. PENNELL,
Sessions Judge.

The 17th January, 1901.

STATEMENT OF ISLAM, WITNESS No. 3.

My name is Islam, father's name Mohamed Diam, resident of Chur Uria, Police Station Sudharam.

I saw Sadak Ali, Aslam, Eakub Ali and Abdul Halim carrying a man towards the west, along the bank of the tank near Ismail Jaigirdar's house. I cannot say whether the man was dead or alive. It was about 1 *prohar* of the night. The night was dark, but it was not raining then. I saw this by the flashes of lightning. When I asked who they were, Sadak Alik rushed upon me and said "be off." I was returning home from Karim Buksh's house. I went to his house to ask him to settle a civil-case between me and Aslam, Buksh Ali and Emeret (?) Ali. I could not recognize who the person was, whom the above persons were carrying. On the following morning I heard Ismail Jaigirdar was killed. I have no cases with the four accused. Ismail Jaigirdar is not related to me. I am not on bad terms with the accused. My *bari* is about three quarters of a mile distant from Ismail Jaigidar's *bari*. On my way home I met Naimuddin Miaji, Abdul Hakim Kaviraj and another man, whose name I do not know, at the gate-way of Naimuddin Miaji. They were all seated together. I informed them of what I had seen. I also told this to Abdul Aziz to whom I called out, to come and accompany me to my house, which he did. I did not say anything to any one of my household, or to any one else. On the following morning I heard that Ismail Jaigirdar was killed, even then I did not inform any one of the occurrence. I was examined by Sub-Inspector Osman Ali and stated similarly. I do not recollect who were present at the time. I was examined on a Tuesday. I do not recollect the date. The Inspector did not examine me. I do not recollect whether I was punished in any criminal case. Then he says I was fined in a "*marpit*" case. I was the only accused in the case. I am not related to any of the witnesses in this case.

EXHIBIT B13.

A. PENNELL,
Sessions Judge.

The 17th January, 1901.

W. Y. REILY,
District Superintendent.

The 12th September, 1900.

EXHIBIT B14.

A. PENNELL,
Sessions Judge.

The 17th January, 1901.

STATEMENT OF RAJOB ALI, WITNESS NO. 5.

My name is Rajob Ali, father's name Rosan Ali, resident of Chur Uria, Police Station Sudharam.

I did not see any one kill Ismail Jaigirdar. On a Saturday, 9th Bhadro, before sunset I saw Sadak Ali, Aslam, Abdul Halim and Anwar Ali sitting together under a *bot* tree on the side of the public road (*sarkari* road), about a mile from the house of Ismail Jaigirdar. I know nothing further about the occurrence. I am not related to any party. I am a *ryot* of the Bhulua zemindar. I do not know if Ismail Jaigirdar belonged to the Bhulua zemindar. I was examined by the Sub-Inspector on last Wednesday and made similar statement. I was imprisoned for two months in a riot case about two years ago. I do not recollect the name of the Sub-Inspector who sent me up.

W. Y. REILY,
District Superintendent.

The 12th September, 1900.

EXHIBIT B15.

A. PENNELL,
Sessions Judge.

The 17th January, 1901.

STATEMENT OF ATAR ALI, WITNESS NO. 22.

My name is Atar Ali, father's name Maharuddi, resident of Chur Salla, Police Station Sudharam.

I did not see the occurrence regarding the killing of Ismail Jaigirdar. Hasan Ali and Torap Ali met me at the gateway of Nobin Dutta's house at about 6 *gharis* of the night of Saturday, 7th or 8th Bhadro. I know Hur Chundra. He is Nobin Dutta's brother. They live in the same *bari*. Hasan Ali and Torap Ali said that Sadak Ali and Aslam and Abdul Halim and Anwar and others were beating Ismail Jagirdar. They said that only these four persons assaulted Ismail Jagirdar. They further said that they ran away through fear. The distance between my *bari* from that of Ismail Jagirdar's house is about quarter of a mile. I did not mention this to any of the inmates of Ismail Jagirdar's household. I did not mention this to any person. I know nothing further.

W. Y. REILY,
District Superintendent.

The 12th September, 1900.

It was twilight when I met Hosan Ali and Torap Ali, it was not evening. They said they saw the accused by the flashes of lightning.

W. Y. REILY,
District Superintendent.

The 12th September, 1900.

EXHIBIT B16.

A. PENNELL,
Sessions Judge.

The 17th January, 1901.

STATEMENT OF WITNESS NO. 31, ABDUL AZIZ.

My name is Abdul Aziz, father's name Amanuddin Miajhi, resident, Chur Uria.

I did not see who killed Ismail Jagirdar. On a Saturday night Islam (witness No. 3) told me that he saw a body being carried by Sadak Ali and Aslam and some two others; he could not recognise whose body it was, they were carrying the body along the south bank of the tank in front of Ismail Jagirdar's house. It was about 4 *ghoris* of the night. He called out to me from my gateway. I came out when he told me the above, and I accompanied him to his house, as he was afraid. Islam's *bari* is over quarter of a mile from mine. Islam if not related to me. I accompanied him about two or three *kanis*. The night was dark. It was not raining then. It was too dark to see anything. I was examined by Sub-Inspector Osman Ali at Peshkar's *hat*. I do not recollect the date, it was a Sunday or Thursday. I made a similar statement before him.

W. Y. REILY,
District Superintendent.

The 12th September, 1900.

EXHIBIT B17.

A. P. PENNELL,
Sessions Judge.

The 17th January, 1901.

STATEMENT OF LONA BANU, WIFE OF WITNESS TORAP ALI.

My husband told me that one night he had seen four persons carrying a person, how they were carrying him he did not say, did not ask any question. He did not say anything more. It was about 1 *prohar* of the night when my husband told me about this. I did not mention what my husband told me to anyone else. I do not remember the date or day of the week.

W. Y. REILY,
District Superintendent.

The 14th September, 1900.

EXHIBIT B18.

A. P. PENNELL,
Sessions Judge.

The 17th January, 1901.

No. IV.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE, POLICE STATION OUT-POST.

Idris Mia ... ... *Complainant.*

versus

Sadak Ali and others ... ... *Defendants.*

Section 302, Indian Penal Code.

Number and date of 1st Information Report—No. 13, dated the 26th August, 1900.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, &c. Section 169, Criminal Procedure Code.

Date and hour—13th September, 2 P.M., Police Office.

1. The following accused persons appeared before me :—

1. Sadak Ali.
2. Abdul Hakim.
3. Abdul Karim.
4. Abdul Halim.
5. Aminuddi.
6. Aslam.
7. Yakub Ali.
8. Osman Ali.
9. Fazar Ali.
10. Anwar.
11. Emdadulla.

2. Questioned accused No. 1.—He pleades not guilty and states as follows :—

2 P.M., Police Office.

I gave evidence against deceased Ismail Jagirdar in a cattle theft case, and he was fined Rs. 20, the complainant therefore brought a false charge against me. I hear that Nanda Basi Dass, Nanda Thakur and Amir Khan, touts, who wanted money from us, are concocting evidence against us, as we refused to give them money. They wanted Rs. 200 from us. One Sadak Ali has an intrigue with deceased's wife (complainant's mother), so it is probable that he might have committed the deed, or had it committed by some persons. He joined the above touts in concocting evidence against us. They gained over some *badmashes*, such as Nur Mia, Atur Ali, Rajjab Ali, Islam, Goleea, Hosan, Ali, and others. I saw Nanda Basi and Amir Khan taking these *badmashes* to Ashraf Ali *mukhtear* of Montiargonah. The deceased was a friend of Ashraf Ali *mukhtear*. I am not related to Sub-Inspector Osman Ali or to Amjad *punchayet*.

EXHIBIT B19.

A. PENNELL,
Sessions Judge.

The 17th January, 1901.

Date and hour—3 P.M., 3rd March, 1901, Police Office.

3. Questioned.—Abdul Hakim, who pleaded not guilty and states as follows :—

I was not at home on Saturday on which the deceased is stated to have been killed. I am a *Kobiraj*. I left home on the previous Wednesday, and returned on the following Monday. During my absence Nanda Basi, Nanda Thakur, and Sadak Ali wanted money Rs. 200 from other accused ; they refused. On my return, I also refused. For this reason they have been concocting evidence against us. I heard from Amiruddi and others that they persuaded Ismail, Tarap Ali, Atur Ali, Rajjab Ali, and other *badmaishes* to give evidence against us, and had the complainant to prefer a petition to the magistrate. I heard from rumour that Sadak Ali and Nanda Basi took these witnesses to *mukhtear* Safor Ali master, Josoda Babu, and Ashraf Ali Munshi. Sadak Ali has undue intimacy with the wife of deceased. It is not impossible that he might have done away with the deceased to remove an obstacle to his intrigue.

Questioned Abdul Karim.—He denied the charge, and says about 10 years ago the deceased sued him in the Civil Court for the possession of some land. He, the accused gained the case.

4. Questioned Abdul Halim.—He denied the charge. He had no enmity with the deceased. He cannot say why he was entangled in the case. Nanda Basi, Nanda Thakur and Amir Khan informed him and other accused, except Abdul Hakim *Kobiraj*, that they were charged by the complainant, and demanded Rs. 200. We refused to pay. These persons are *badmashes* and belong to a gang of *badmashes*. He learns that they have been persuading *badmashes* to give evidence against us. Rajab Ali, Torap Ali, Ismail, Hossein, Atur Ali, Nur Mia, and others, he learns, have been persuaded by Nunda Basi, Nunda Thakur and Amir Khan to give evidence against us.

3.30 P.M., Police Office.

5. Questioned Amiruddin.—He also pleads not guilty, and believes that Nunda Basi, Nunda Thakur, and Amir Khan, who are village touts and earn their livelihood by touting, persuaded complainant to bring a false case against them. When Sub-Inspector Osman Ali went to the spot these persons demanded money from them.

4 P.M. to 4.30 P.M.

Questioned Aslam.—He states that the deceased sued him in the Civil Court for rent; the case is still pending. Makes similar statements to the aforementioned accused.

Questioned Yakab Ali.—Denies the charge, and believes that at the instigation of Nunda Basi, Nunda Thakur, and Amir Khan, he has been entangled in this case for their own benefit. They demanded Rs. 200, but he and other accused refused to give the money.

Exhibit B21.
A. PENNELL.
Sessions Judge.
The 17th January 1901.

Questioned accused Osman Ali Chowkidar.—He denies charge and does not know why he was entangled in the charge. He makes a statement almost similar to accused No 4.

Questioned Fazar Ali.—Denies the charge and does not know why he has been entangled in the case. Believes that Nunda Basi, Nunda Thakur, Amir Khan, and Sadak Ali have been concocting evidence against the accused, as they refused to pay Rs. 200. He learns they gained over Nur Mia No. 1, Nur Mia No. 2, Mohabbat Ali, Torab Ali, and others to give false evidence against them.

Questioned Anwar Ali.—Denies the charge. He had no enmity with deceased.

4.30 P.M., Police Office.

Questioned Emdadulla.—Denies the charge and states as follows :—

I learn that the wife of the deceased was enticed away by Sadak Ali, and there was a case between deceased and ~~Sadak Ali~~ Sadak Ali has undue intimacy with deceased's wife. It is not impossible that he did away with the deceased to remove an obstacle. Nunda Basi, Nunda Thakur and Sadak Ali wanted money from us; Osman Ali went to the spot. We refused payment. They threatened us. They, with the aid of Asraf Ali, Mukhtar, petitioned the Magistrate against us. I heard that Jasoda Mukhtear also advised them. They also went to Sofar Ali Mukhtear. I do not know if he gave them any evidence. They gained over Nur Mia, Atur Ali, Torap Ali, Nur Mia No. 2, Mohabbat Ali, Rajjab Ali, Hossein, and others, so I know. I saw them the above touts consulting with them. I do not bear any relationship with Sub-Inspector Osman Ali.

Exhibit B22.
A. PENNELL.
Sessions Judge.
The 17th January 1301.

5 P.M.

5. All the accused deny to have any relationship with Sub-Inspector Osman Ali.

I close to-day's diary. I shall visit the spot to-morrow.

W. Y. REILY,
District Superintendent.

The 13th September, 1900.

EXHIBIT B23.

A. PENNELL,
Sessions Judge.

The 17th January, 1901.

No. V.

SPECIAL DIARY, SECTION 172, CRIMINAL PROCEDURE CODE, POLICE STATION OUT-POST.

Idris Mea ... ... *Complainant,*

versus

Sadak Ali ... ... *Defendant.*

Section 302, Indian Penal Code.

Number and date of First Information Report.—No. 13, dated the 26th August, 1900.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, &c.—Section 169, Criminal Procedure Code—

N.B.—In final diary, value of property stolen and recovered to be stated, also form in which Final Report submitted. The instructions of Rule 65 (*c*) and (*d*), Chapter XVI. of Bengal Police Code, to be carefully observed.

Date and hour.—The 14th September, 1900, 1 P.M., village of occurrence.

Reached the village of occurrence, and found Inspector Bharat Chunder Mozumdar, Sub-Inspector Osman Ali, Head Constable Mohirun, the complainant; his relative, Wajuddin Khalifa; and accused, Abdul Hakim, Sadik Ali, Emdadulla; witnesses Atur Ali, Rajjab Ali Islam, and several other persons were present.

Commenced planning the place of occurrence, &c., with the aid of Inspector Bharat Chandra Mozumdar, Sub-Inspector Osman Ali, and Head Constable Mohirun. Witness Rajab Ali pointed out *Bot* tree, afterwards marked L, under which he saw Sadak and others sitting together. 3 P.M. Witness Salam pointed out the spot marked H, as the spot where he saw the accused Sadak Ali, Aslam, Yakub Ali, and Abdul Halim carrying a man west when he was coming by west bank of the tank marked C, he went round the south bank, and met them at point H. He hurried off, and took the path marked H2, leading to Naimuddin Miaji's *bari*.

5 P.M. Questioned Torap Ali's (witness) wife. Recorded her statement under Section 161 Criminal Procedure Code.

5.30 P.M. Could not finish the Plan—ordered the complainant to produce his witnesses, Hossain Ali and Torap. Ali to-morrow; left the village of occurrence.

W. Y. REILY,
District Superintendent of Police.

The 14th September, 1900.

EXHIBIT B24.

A. P. PENNELL,
Sessions Judge.

The 17th January, 1901.

No. VI.

SPECIAL DIARY OF MR. REILY.

A. P. P.

SPECIAL DIARY, SECTION 172, C. P. C., POLICE STATION OUT-POST.

Idris Mea ... ... *Complainant,*

versus

Sadak Ali... ... ... *Defendant.*

Section 302, I. P. C.

Number and date of First Information Report.—No. 13, dated 26th August, 1900.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, &c.—Section 169, C. P. C.

N.B.—In final Diary value of property stolen and recovered to be stated, also form in which final report submitted. The instructions of Rule 65 (*c*) and (*d*), Chapter XVI., of Bengal Police Code, to be carefully observed.

Reached Bellew Saheb's Hât. Met Inspector Bharat Chandra Mozumdar and Head Constable Mohim commenced to draw the plan.

Date and hour.
The 15th September 1900, 1 P.M. Met Sub-Inspector Osman Ali on Bairagi Hât Road.
Askalia.
1.30 P.M. to 4 P.M.

The complainant produced his witnesses—Torap Ali and Hossain Ali. They pointed out the place marked K as the spot where deceased was seized by accused, Sadak Ali, Aslam and Anwar Ali. Hossain Ali saw from point R. Torab Ali saw from point S, the distance between K and R is 28 cubits and that between K and S is 18 cubits. They could not assign any reason why they when returning from Bellew Saheb's Hât to their houses beyond 4th mile took a round about road instead of going by Gura Mea's road or by Ashak Zemindar's road which are the more direct roads leading to their homes—Finished the plan. Left the place of occurrence for head quarters.

Instructed Inspector and Sub-Inspector to ascertain how far the allegation of deceased's wife having an intrigue with Sadak Ali (witness) is correct.

W. Y. REILY,
District Superintendent.

The 15th September, 1900.

EXHIBIT B25.

A. P. PENNELL,
Sessions Judge.

The 17th January, 1901.

SPECIAL DIARY OF MR. REILY.

No. VII.

SPECIAL DIARY, SECTION 172, C. P. C., POLICE STATION, OUT POST.

Idris Mea ... ... *Complainant*,
versus
Sadak Ali ... ... *Defendant*.

Section 302, I. P. C.

Number and date of First Information Report.—No. 13, dated 26th August, 1900.

Names of persons arrested and sent up.—

Names of persons arrested and bailed, &c.—Section 169, C. P. C.

N.B.—In final Diary value of property stolen and recovered to be stated, also form in which final report submitted. The instructions of Rule 65 (*c*) and (*d*), Chapter XVI of Bengal Police Code to be carefully observed.

Date and hour.	
The 21st September 1900. Police Office. 3 P.M.	Examined Safar Ali, Jashoda Kumar Rai and Ashraf Ali Mokhtars and recorded their statements under Section 161, C. P. C.

W. Y. REILY,
District Superintendent.

The 21st September.

EXHIBIT B26.

STATEMENT OF MUNSHI SAFAR ALI, MOKHTAR, BEFORE MR. REILY.

Exhibit B26.
A. P. PENNELL,
Sessions Judge.
The 17th January 1901.

My name is Safar Ali. I am a mokhtar practising in the Noakhali Criminal Courts, I know Ismail Jagirdar's son. I heard that Ismail Jaigirdar had been killed by some one. One morning, I do not know the date or the day, but it is over two weeks ago, Idrish accompanied by Nanda Bashi Das and a Mahomedan Sadak Ali, went to my house for instruction, they said that Sub-Inspector Osman Ali was doing nothing in respect of Ismail Jaigirdar's case, and that Osman Ali perhaps had been gained over by the accused and asked what they should do. I told them to wait till the final reports were submitted to the Magistrate. Nanda Basi advised Ismail Jagirdar's son Idris to pay me a rupee for my advice, which he did. I know that Idris submitted a petition to the

Magistrate. I do not know the contents of the petition. I know *Mukhtear* Jashoda Babu pleaded before the Magistrate on behalf of Idris. In one or two instances I have seen Nanda Basi helping parties in cases.

W. Y. Reily,
District Superintendent.

The 21st September.

EXHIBIT B27.

Statement of Babu Jashoda Kumar Rai, Mukhtear, before Mr. Reily.

Exhibit B27.
A. Pennell,
Sessions Judge.
The 17th January 1901.

My name is Jashoda Kumar Rai. I know Idris, son of Ismail Jaigirdar. I submitted a petition to the Magistrate on behalf of Idris. I drafted the petition. I know Nunda Basi, Nanda Thakur and Sadak Ali. These persons went to me on several occasions on behalf of Ismail Jaigirdar's murder case. This is the petition (shown and identified) I submitted to the Magistrate.

W. Y. Reily,
District Superintendent.

The 21st September.

EXHIBIT B28.

Statement of Ashraf Ali, Mukhtear, before Mr. Reily.

Exhibit B28.
A. Pennell,
Sessions Judge.
The 17th January 1901.

My name is Ashraf Ali. I know Idris, son of Ismail Jaigirdar. I knew afterwards that a petition was submitted to the Magistrate on behalf of Idris. I do not know by whom this petition was drafted. I know Nanda Basi, Nanda Kumar and Sadek Ali. These persons never went to me on behalf of Idris. I saw once or twice these persons with Idris near the *cutcheries*. Now I hear that this petition was drafted by Jashoda Babu.

W. Y. Reily,
District Superintendent.

The 21st September.

EXHIBITS Y1 to Y3.

Police Report (C. Form).

(Translation.)

Despatched from Station 28th September, 1900, at 10 a.m.

Bengal Police (Noakhali) District.

Form C., True Case Report No. 98, dated the 27th September, 1900.

Exhibit Y1.
A. Pennell,
Sessions Judge.
The 17th January 1901.

Police Station Sudharam.

in first Information No. 13, dated the 26th August, 1900.

Explanation.—Final Report under Section 173, Criminal Procedure Code, of a case inquired into, in which no clue was obtained by the Police sufficient to justify arrest, or in which no accused has been apprehended.

EXHIBITS Y2 AND 3.

Name and address of informant and complainant. (1)	Charge or Complaint. (2)	Description and amount of property stolen, if any. (3)	Names of absconders against whom charge is considered proved, if any. (4)	Brief description of the information or complaint, enquiry, and action taken, result of enquiry, names of persons accused or suspected, and names of persons acquainted with circumstances of case, house searches, with date and signatures of investigating officers. (5)
Idris Mea, of Chur Uria, complainant.	Under Section 302 of the Penal Code.	—	—	(1) The complainant appeared at first at 9 a. m. on the 26th August, 1900, at the station and stated before me that his father, Ismail Jaigirdar, left his house at 10 a. m. on the 25th August and came to the town of Sudharem for the purpose of managing a case, and that he never returned home; that on the day following, that is, on the morning of 26th August, 1900, his dead body was found floating on the water of the tank in front of his house, that he did not know how Ismail had died, that at this information I deputed constable Kristo Chunda Bhadra to hold the enquiry, using a report generally submitted in cases of violent deaths. The Head Constable, on suspicion, sent the dead body to the Sudder Station for medical examination. After the said Head Constable had removed the dead body from the said tank, the complainant, seeing wounds on the dead body after the medical examination, did, on the 26th August, 1900, at 7½ p.m., make a statement as to the murder of his father, to this effect, that there was enmity between his father and defendants Nos. 1 to 9, and that he suspected that either these persons or some other enemies had murdered his father. Subsequently the complainant's mother, having suspected defendants Nos. 10 and 11, the names of these persons have also been included in the list containing the names of defendants. (2) The medical officer expressed his opinion that the deceased died from the effects of the wounds inflicted upon him. (3) The enquiry in this case has been held from the said 26th August, 1900, up to the present date, but without success The Inspector of this Division came to the place of the occurrence and tested the enquiry held by me. Further, the District Superintendent visited the place of occurrence on the 28th August and on the 14th and 15th September, and examined the complainant's mother and other persons, and tested to a certain extent the inquiry made by me and he himself also made a part of the enquiry He, with the assistance of the Divisional Inspector and with my assistance, prepared a map of the place of occurrence. The Inspector of Division B has to-day held a portion of the enquiry. (4) On enquiry it has come to light that the deceased was a person addicted to litigation, that the people residing in the neighbourhood being exasperated by his litigious habits, had become his enemies. Nor was he on friendly terms with the defendants. Even at present there is a rent case, instituted by him against the defendants Aslam and others, pending in the Court It also appears that Rokia Banu, widow of the deceased, and mother of the complainant, is a woman of unchaste character, that since a long time past, the complainant's witness, Sadak Ali, has had illicit love with her Some 20 or 25 years ago Sadak Ali, having seduced Rokia Banu, there was a case between him and the deceased Ishmail. The said Sadak Ali and his patrons, the village "*toim*" (*mukhtar*) Nundo Cumar, generally known as Nundbashi Das and Nundo Thakur are managing the case on behalf of the complainant against the defendants. It also appears that Sadak Ali has proposed to marry Rokia Banu in the *nekai* form and to marry his daughter to the complainant. (5) Although there is no direct evidence regarding the murder of Ismail Jaigirdar, yet there is not the least doubt that Ismail has been murdered by some of his enemies. But I have not been able to trace out any clue during such a long course of investigation, some persons entertaining mere suspicion against the defendants and some against the said Sadak Ali. The complainant has not been able to specify the exact time of the murder of the deceased. But from the evidence of the disinterested witness, Abdul Aziz, a constable employed in the district of Tipperah, and who is on leave, and Alahi Buksh, of Salla, and Ahmedulla, of Chur Uria, it appears that on the 25th August between 7 to 7½ p m., in the night, the deceased must have been murdered by somebody. The said three witnesses state that they saw the deceased on the public road near the *daroja* of the house of the said Elahi Buksh, that the deceased hurried towards his house The distance between the house of the deceased and the place where they saw him is about a mile. Hence it is inferred that the deceased was murdered within the said interval of time and that the murderers after murdering the deceased, cunningly threw his dead body into the tank in front of his house. The Head Constable, Kristo Chunder Bhadra, who first held the investigation, found the dead body near the *ghat* at the south-western corner of the said tank. Although I can make out the time of the murder, yet I am quite unable to ascertain the place where the murder took place. At a place on the road at the south-eastern corner of the bank of the tank, there were found marks left by the knees, &c., of some person But I have not been able to make out whether the deceased was actually murdered at the said place or he was murdered at some other place and the dead body had been laid down at the said place before it was thrown into the water of the tank. Exhibit Y2 A. PENNELL, S. J, 17th January, 1901. (6) I have learnt from rumour that the complainant had, through the *mukhtar* Jashoda Rai, cousin of Mohesh Chunder Guho and living at the same house with him, filed a petition before the Magistrate of the district in dissatisfaction with my enquiry, the said Mohesh Chunder Guho being a *muhurir* employed in the Local Collectorate and a defendant in the case, sent up by me, regarding the theft of currency notes. Upon this, the District Superintendent under the orders of the said (Sahib) Magistrate, took down the evidence of several witnesses named by the complainant I do not know the purport of the said petition or of the statement made by the said witnesses. (7) According to the verbal instructions of the District Superintendent, I send a true case report in Form C, and pray that the aforesaid District Superintendent will make a report of the particulars of the case that have come to light from the evidence of the aforesaid witnesses. Defendants who are suspected:— 1. Sadak Ali, } of Salla. 2. Aslam, } 3. Imdadulla, } 4. Anwar Ali, } of Chur Uria. 5. Abdul Halim, } 6. Osman Ali, Chowkidar of the Mohulla. 7. Fazar Ali of Salla. 8. Abdul Halim, } 9. Abdul Karim, } 10. Yakub Ali, } of Chur Uria. 11. Aminuddi } *Witnesses.* 1. Nymuddi Miji. 2. Arshad Mea. 3. Mosa Mea Moulvi. 4. Nur Mea. 5. Abdul Aziz. 6. Abdul Rohim. 7. Kalimuddi Bepari. 8. Ismail. 9. Abdul Rahaman. 10. Dula Mea. The evidence of these and several other persons, inhabitants of Chur Uria, Chur Salla, Salla, and of other villages has been taken. The houses of the said suspected eleven defendants have been searched, but no articles exciting suspicion has been found out. OSMAN ALI, Sub-Inspector. Exhibit Y3 A. PENNELL, Judge. The 17th January, 1901.

My remarks accompany.

The 28th September, 1900.

W. Y. REILY,
D. S.

EXHIBIT Y4.

A. P. PENNELL,
Sessions Judge.

The 17th January, 1901.

MR. REILY'S REMARK ON THE POLICE REPORT, EXHIBITS Y4 TO Y8.

On the 28th August I visited the spot and tested the enquiry made by the Sub-Inspector to a certain extent. On the 6th September, the complainant having submitted a petition to the District Magistrate against the Police investigating officers in the terms quoted, I examined—

"That in spite of the evidence before the Police, the Police is silent up to date, that the Sub-Inspector Osman Ali being a local man, most of the accused persons are directly or indirectly related to the said investigating Sub-Inspector, and his sons, father-in-law, Amjad Mea, and that during the investigation the said Amjad Mea was all along with the Sub-Inspector, that the Inspector of Police sometimes went to the village at the time of the investigation but the purpose and effect of his going there was best known to him."

No less than 31 witnesses produced by the complainant besides some other persons, visited the spot again and prepared the necessary plan showing the place of occurrence, etc.

Three of the witnesses, viz., Hosan Ali, Torab Ali, and Islam, produced by the complainant were chance witnesses, by these witnesses the complainant attempts to prove the actual occurrence as eye-witnesses.

Three others, viz., Rajab Ali, Atar Ali, and Abdul Aziz. Atar Ali gave evidence proving connected facts.

Hasan Ali stated before me that while returning home from Bellew Saheb's *hat* accompanied by Torab Ali on a dark evening, Saturday night, he saw at about 8.30 p.m. by flashes of lightning, that the accused, Sadak Ali, Aslam and Anwar Ali caught hold of Ismail Jaigirdar (deceased) by the neck and waist, that they carried the deceased towards the tank in which his corpse was subsequently found; that he and Torab Ali spoke to the accused why they were beating Ismail Jaigirdar; that the assailants replied "you go away"; that they shouted when three persons came to the bank of the tank and witnessed the occurrence; that they (Hosan Ali and Torab Ali) did not give information to the relatives of the deceased whose house (*torn*) is 3 kanis from the place of occurrence; that they mentioned the occurrence to Atar Ali whom they met at the gateway of Har Chunder's house; that he, the witness, Hosan Ali, did not mention the occurrence to any other person on the night of occurrence or on the following morning; and that he was examined by Sub-Inspector Osman Ali, to whom he made similar statements.

Exhibit Y5.
A. P. PENNELL,
Sessions Judge.
The 17th January 1901.

Torab Ali stated that in the month of Bhadra on a Saturday night, which was dark and rainy, while he and Hosan Ali were returning from Bellew Saheb's *hat*, they saw at about 4 *ghoris* of the night the accused* seize Ismail Jaigirdar and carry him towards the tank; that the accused, Sadak Ali, held deceased by the neck, Anwar Ali by the legs, and Islam by the waist; that they did not give intimation of the occurrence to the relatives of the deceased; that they met Atar Ali near Asaruddi's house on the public road; that Har Chunder's house is about four kanis from Asabuddi's house; that were (?) they met Atar Ali is about half a mile from Har Chundra's house; that they mentioned the occurrence to Atar Ali; that he (Torab Ali) also communicated the fact to his wife; and that he did not disclose these facts to any other person; that he was convicted in a *marpit* case sent up by Sub-Inspector Osman Ali; that he made similar statements before Sub-Inspector Osman Ali in presence of Nanda Bashi, Nanda Thakur, Hosein Ali and some others.

* Sadak Ali, Islam, Anwar Ali and 7 others.

Witness Islam stated that he saw accused Sadak Ali, Aslam, Yakub Ali, and Abdul Halim carrying a man towards the west bank of the tank near Ismail Jaigirdar's house, while returning from Korim Buksh's house; that the night was dark and rainy; that he saw the occurrence by the flashes of lightning; that accused, Sadak Ali, rushed at him, saying "be off"; that he told this to Abdul Aziz but to nobody else; that he was once convicted of "marpit," that he was examined by Sub-Inspector Osman Ali to whom he made similar statements.

Witness Rajjab Ali stated that on the 9th Bhadra just before sunset he saw Sadak Ali, Aslam, Abdul Hakim and Anwer Ali seated together under a *bat* tree; that he made similar statements before Sub-Inspector Osman Ali, and that he was once convicted for committing a riot, but he did not recollect the name of the Police Officer by whom he was sent up.

Exhibit Y6.
A. PENNELL,
Sessions Judge.
17th January 1901.

Witness Atar Ali stated that Torab Ali and Hosein Ali mentioned to him that Aslam, Sadak Ali, Abdul Hakim, Anwar Ali and others were beating Ismail Jaigirdar and that he (Atar Ali) did not mention this to anybody.

Witness Abdul Aziz corroborated the statement of witness Islam.

Shona Baun, wife of Torab Ali, stated that one night her husband told her that he saw four persons carrying a person.

The accused in their defence stated that Nanda Bashi, Nanda Thakur and Amir Khan demanded Rs. 200 from them; and on their refusal these persons were trying to concoct evidence against them, and prove the charge by some bad characters.

I disbelieve the evidence on the following grounds amongst some other grounds:—

First.—That Hosein Ali and Torab Ali when returning from Bellew Sahib's *hat* went to their houses by Binode Bepari's road, instead of going by Gura Mia's road or Arshad Jamadar's road, which is the more direct route. They could not assign any reason why they went a roundabout road.

Exhibit Y7.
A. P. PENNELL,
Sessions Judge.
The 17th January 1901.

Second.—The night was dark and that they alleged to have witnessed the occurrence by the flashes of lightning and recognize the accused is very improbable.

Third.—Most of the witnesses said that they did not mention the occurrence even to their relatives; this is curious.

Fourth—That the witnesses state that they gave their evidence before the Sub-Inspector, that if this was true their having given evidence would be known to everybody, and this fact would have come to my ears and the Inspector's.

Fifth.—The complainant did not mention to me or the Inspector that these witnesses gave evidence before the Sub-Inspector which proved his case; but he submitted a petition before the Magistrate 13 days after the occurrence, accusing the investigating officer.

Sixth.—That Hosein Ali saw only three persons seize the deceased, while Torap Ali, his companion, said that the assailants numbered ten. Another curious fact is that they could distinguish by flashes of lightning how the deceased was carried.

Exhibit Y8.
A. PENNELL,
Sessions Judge.
The 17th January 1901.

Seventh.—It has been proved that the deceased's wife was carrying on an intrigue with Sadak Ali, and this Sadak Ali in combination with Nanda Bashi and Nanda Thakur were conducting the case on behalf of the complainant.* Some of the villagers also suspect Sadak Ali to have committed the deed. Even the complainant's Mukhtar Jashoda Kumar Rai admitted the above fact.*

W. Y. REILY,
D. S.

The 28th September.

EXHIBIT X1.

A. PENNELL,
Sessions Judge.

The 30th January 1901.

MR. PENNELL'S LETTER, DATED THE 2ND DECEMBER 1900, TO MR. BOURDILLON.

NOAKHALI,
The 2nd December 1900

DEAR MR. BOURDILLON,

I write to ask if there would be any objection to my taking casual leave for say three days to go to Calcutta to meet my sister, who is due to arrive there on the 11th instant. My sister has never been in India before and the journey here is not an easy one. I should esteem it a favour therefore if I could be given this leave.

The work in my Court I may say is well up to date. There are no sessions cases pending and as far as I can see my absence will cause no appreciable inconvenience to anyone.

Yours sincerely,
A. P.

Hon. J. A. B.

EXHIBIT X2.

A. PENNELL,
Sessions Judge.

The 30th January, 1901.

MR. BOURDILLON'S LETTER, DATED THE 5TH DECEMBER, 1900, TO MR. PENNELL.

Government of
Bengal.

Calcutta,
The 5th December, 1900.

DEAR MR. PENNELL,

There is no objection to your having three days' casual leave to Calcutta to meet your sister.

Yours truly,
J. A. BOURDILLON.

EXHIBIT X4.

A. PENNELL,
Sessions Judge.

The 30th January, 1901.

MR PENNELL'S LETTER, DATED THE 12TH DECEMBER, 1900, TO MR. BOURDILLON.

United Service Club,
Calcutta,
The 12th December, 1900.

DEAR MR. BOURDILLON,

I find on arriving at Calcutta that my sister's steamer, the "Parramatta," instead of arriving yesterday, as advertised, will not be in till to-morrow morning. Under these circumstances I am constrained to ask you for casual leave till the end of this week. I might with a rush get to Noakhali in time for work on Saturday, but think myself that it is not worth while trying to do so.

Yours sincerely,
A. PENNELL,
Sessions Judge.

Hon. J. A. Bourdillon.

(On the back.)

MY DEAR PENNELL,

Certainly. Stay as you propose.

Yours sincerely,
J. A. BOURDILLON.

The 12th December.

EXHIBIT X6.

A. P. PENNELL,
Sessions Judge.

The 30th January, 1901.

MR. CHAPMAN'S LETTER, DATED THE 25TH DECEMBER, 1900, TO MR. PENNELL.

High Court, Appellate Side,
Calcutta.

4, Middleton Street,
Calcutta,
The 25th December, 1900.

DEAR PENNELL,

The Judges are informed that you obtained leave from the Chief Secretary to come to Calcutta for the 12th December last. You were to have returned to your station on the 15th, and the Chief Secretary understood that you did so. The Judges desire to know when you left Calcutta, and upon what date you returned here, and also from whom you obtained leave to quit your station again, or to remain in Calcutta, if you did so. I am to ask you for an early reply.

Yours sincerely,
E. P. CHAPMAN.

EXHIBIT X8A.

A. PENNELL,
Sessions Judge.

The 30th January, 1901.

MR. PENNELL'S LETTER, DATED THE 26TH DECEMBER, 1900, TO MR. CHAPMAN, EXHIBITS 8A TO 8C.

Hotel Continental,
The 26th December, 1900.

MY DEAR CHAPMAN,

I am in receipt of your demi-official of yesterday's date. I obtained three days' casual leave from the Chief Secretary to meet my sister, who was due to arrive in Calcutta on the 11th instant. As her steamer was late, I was obliged to apply for casual leave for the rest of the week, which was granted. I left Calcutta on the 15th instant (a day earlier than I need have done) for Noakhali. I returned to Calcutta on the night of the 23rd instant. I did not obtain leave from anyone to do so, as I did not consider it necessary. I have hitherto been under the impression that except for the pujas it is not necessary for a Judge to obtain leave to absent himself from his station during authorised holidays, and, this impression was confirmed by the result of some correspondence which I had with you in July, 1899, and to which I would solicit a reference. I may add that I came to Calcutta similarly for the Christmas holidays in 1898 and 1899, but no questions were ever asked about it, and it is my belief that a great many other Judges are at present in Calcutta without any other authorisation than exists in my case.

As the Courts are closed I could do no work even if I were at Noakhali, but I may say that even apart from that the state of my file is not such as to necessitate my remaining at Noakhali. I would solicit a reference to the return for the September quarter, which will show that the work is well up to date. I may also add that with one trifling exception not a single order of mine has been reversed or modified by the High Court during the whole time I have been at Noakhali. I would submit that neither the quantity nor the quality of my work has been such as to call for any specially rigorous treatment on the part of the Court. And I would point out that it would be particularly hard if I were denied the indulgence (if it be an indulgence) of coming to Calcutta this Christmas as I have my sister with me and would like her to see the gaieties which go on here at this season. It is true that I have recently had casual leave, but it was for a domestic reason, and it is the first time in more than 14 years' service that I have ever asked for leave for such a reason. It may perhaps be the belief of the Judges that I remained on in Calcutta after the 15th I have already stated that this is not so. If such an erroneous impression led to your letter, the Judges will not perhaps be offended at the request which I now make. It is my intention to apply to the Chief Secretary for casual leave for the 2nd January, to enable me to attend Mr. S. C. Mukerji's wedding which is fixed for the 1st instant, and I should be obliged if the Honourable Judges will intimate that they have no objection to my having it.

Exhibit X8.
A. PENNELL.
The 30th January 1901.

Yours sincerely,
A. P. PENNELL,
Sessions Judge.

P.S.—I enclose copies of the correspondence between myself and the Chief Secretary with reference to my casual leave.

A. P.

(1)

Noakhali,
The 2nd December, 1900.

DEAR MR. BOURDILLON,

I write to ask if there would be any objection to my taking casual leave for say three days to go to Calcutta to meet my sister who is due to arrive there on the 11th instant. My sister has never been in India before and the journey here is not an easy one. I should esteem it a favour there if I could be given this leave. The work in my Court I may say is well up to date. There are no Sessions cases pending, and as far as I can see my absence will cause no appreciable inconvenience to anyone.

Yours sincerely,
A. P. PENNELL,
Sessions Judge.

Hon. J. A. Bourdillon.

EXHIBIT X8*c*.

A. PENNELL,
Judge.

The 30th January 1901.

(2)

CALCUTTA,
The 5th December, 1900.

DEAR MR. PENNELL,

There is no objection to your having three days casual leave to Calcutta to meet your sister.

Yours truly,
J. A. BOURDILLON.

UNITED SERVICE CLUB,
The 12th December 1900.

DEAR MR. BOURDILLON,

I find on arriving at Calcutta that my sister's steamer, the "Parramatta," instead of arriving yesterday as advertised will not be in till to-morrow morning. Under these circumstances I am constrained to ask you for casual leave till the end of this week. I might with a rush get to Noakhali in time for work on Saturday, but think myself that it is not worth while trying to do so.

Yours sincerely
A. PENNELL.

Hon. J. A. Bourdillon.

MY DEAR MR. PENNELL,

Certainly. Stay as you propose.

Yours sincerely,
J. A. BOURDILLON.

The 12th December.

EXHIBIT X9.

TELEGRAM, DATED 29TH DECEMBER, 1900, FROM MR. CHAPMAN TO MR. PENNELL.

Class P. INDIAN TELEGRAPH. Monthly Local No.

To Station Birbhum.	From Calcutta. Station

Words.	Day.	Hour.	Minute.	Official instruction.
14	29	12	30	

To (Person) A. P. PENNELL.	From (Person) CHAPMAN.

1			
2			
3	Rampini	has	given
4			
5	me	no	orders
6			
7			
8		Exhibit X 9	
9			A. P. PENNELL.
10	*The 31st January, 1901.*		
11			
12			
13			
14			

Received from L. N. At Hrs. Mts. By	Sent to L. N. At Hrs. Mts. By

Birbhum
(Illegible)
December, 1900.

Date *Post Master.*

EXHIBIT X10.

A. PENNELL,
Judge.

The 30th January, 1901.

(C)

COPY OF TELEGRAM, DATED 29TH DECEMBER, 1900, FROM MR. PENNELL TO THE HIGH COURT.

To Calcutta,
To High Court,
From Birbhum,
From A. Pennell.

Solicit that orders on my demi-official may be sent to Hotel Continental to wait my arrival to-morrow.

A. PENNELL.

(Despatched on 29th December.)

EXHIBIT X11.

LETTER, DATED 31ST DECEMBER, 1900, FROM MR. PENNELL TO MR. BUCKLAND.

Exhibit X 14.
A. PENNELL,
The 31st January, 1901.

Hotel Continental,
The 31st December, 1900.

MY DEAR BUCKLAND,

I write to ask if I may have casual leave for the 2nd January. I want to attend the wedding of Mr. S. C. Mukerji, whom I have known from a boy, on the 1st January, and as there is only one mail to Chandpur, which leaves very early in the morning, I cannot do this without exceeding the authorized holidays.

Yours sincerely,
A. PENNELL.

Hon. C. E. Buckland, C.I.E.

EXHIBIT X12.

LETTER, DATED 31ST DECEMBER, 1900, FROM MR. BUCKLAND TO MR. PENNELL.

Exhibit X 12.
A. PENNELL.
The 30th January, 1901.

Calcutta,
The 31st December, 1900.

MY DEAR PENNELL,

Your letter of to-day just received asking for casual leave for the 2nd January.

Please let me know why you have not applied before. To be back for your work on the 2nd, I suppose you would have to start by the very early train on 1st, and at present I do not understand why you should have put off till the after (*noon*) of the 31st December to ask for casual leave for the 2nd January. Have you only just received an invitation, or did you not intend until this afternoon to ask for it?

Also, please let me know if you start from here on the early morning of 2nd, at what time ought you to reach Noakhali? Shall you be in time to hold Court on the 3rd, and for how long?

Yours sincerely,
C. E. BUCKLAND.

EXHIBIT X14.

LETTER, DATED 31ST DECEMBER, 1900, FROM MR. PENNELL TO MR. BUCKLAND.

Exhibit X 11.
A. PENNELL.
The 31st January, 1901.

Hotel Continental,
The 31st December, 1900.

MY DEAR BUCKLAND,

The enclosed correspondence which has passed between myself and the High Court will show how it is I have not applied for casual leave for the 2nd January before. The expression "the Judges" denote Mr. Justice Rampini only; Mr. Justice Ghose, who is a Member of the English Committee, expressed to me great surprise at Mr. Rampini's action. Mr. Rampini has not replied either to my letter or telegram. I cannot compel him to reply. He has against me a private grudge of long standing in connection with a syndicate into which he entered for promoting a tea company.

2. I have all along intended to apply for the casual leave. I received invitation, both informal and formal, long ago. I am an intimate friend of the bridegroom and his uncle, Mr. P. L. Roy, and have known the bride's people for years.

3. If I start from here on the early morning (5.47 a.m.) of the 2nd I reach Feni at 1.58 a.m. on the 3rd; and starting from there at dawn reach Noakhali at, say, 10.30 a.m. on the 3rd, in time to hold Court on that day for as long as most Judicial Officers sit. I am sorry to have given you so much trouble in the matter, but you will see it is not my fault.

Yours sincerely,
A. PENNELL.

Hon. C. E. Buckland, C.I.E.

EXHIBIT X15.

LETTER, DATED 1ST JANUARY, 1901, FROM MR. BUCKLAND TO MR. PENNELL.

Exhibit X 15.
A. PENNELL.
The 30th January, 1901.

Calcutta,
The 1st January, 1901.

MY DEAR PENNELL,

In reply to your two letters of yesterday, you may have casual leave for the 2nd, *i.e.*, you may remain in Calcutta for Mukerji's wedding on the 1st, and I must ask you to leave Calcutta by the early morning train of the 2nd so as to be back at Noakhali for Court on the 3rd.

Yours,
C. E. BUCKLAND.

I return your letters.

EXHIBIT X17.

LETTER, DATED 3RD JANUARY, 1901, FROM MR. PENNELL TO MR. BUCKLAND.

Exhibit X 17.
A. PENNELL.
The 30th January, 1901.

Noakhali,
The 3rd January, 1901.

MY DEAR BUCKLAND,

In order to save you the trouble of having to communicate with me again upon the subject, I write to say that I reached Noakhali at 10.40 a.m. Calcutta time, and that I am now (12 noon Calcutta time = 11.27 R. T. time) in Court. As it so happened, I walked to Court with the Collector, so that we both attended office almost simultaneously,

I may, perhaps, be permitted to add that the mail steamer of the 1st grounded, and that in consequence the passengers for places beyond Chandpur had to proceed by the same train as myself. Even, therefore, if I had not been allowed casual leave for the 2nd instant, I could not have got to Noakhali any sooner. I have received no reply to my letter or telegram to High Court.

Again apologising for giving you so much trouble,

I am,
Yours sincerely,
A. PENNELL.

Hon. C. E. Buckland, C.I.E.

EXHIBIT X18.

A. PENNELL,
Judge.

The 30th January, 1901.

LETTER, DATED 26TH JANUARY, 1901, FROM MR. BUCKLAND TO MR. PENNELL.

U. S. Club,
The 26th January, 1901.

MY DEAR PENNELL,

I ought have written to you before about a passage in a letter of yours, dated the 31st December, to me, but it escaped my notice (after I gave you the leave you wanted), and has only just now turned up again.

You wrote, " Mr. Rampini has not replied either to my letter or telegram. I cannot compel him to reply. He has against me a private grudge of long standing in connection with a syndicate into which he entered for promoting a tea company."

This is an imputation of motive which ought not to be made against anyone, and certainly not against a Judge of the High Court, as a reason for his dealing with an official matter in a particular way. Before taking any action on the subject, I think it right to give you an opportunity of withdrawing this passage, if you desire to do so. If you prefer to let it stand it will be my duty to bring it to Mr. Rampini's notice.

Please at the same time forward to me a copy of the letter and telegram referred to in this passage of your letter dated 31st December.

C. E. BUCKLAND.

EXHIBIT X20.

A. PENNELL,
Judge.

The 30th January, 1901.

COPY OF TELEGRAM, DATED 19TH JANUARY, 1901, FROM SESSIONS JUDGE, NOAKHALI, TO THE CHIEF SECRETARY.

To

Chief Secretary, Calcutta,

From

Sessions Judge, Noakhali.

Please wire whether your demi-official of 26th was written by order of Government.

A. PENNELL.

The 29th January.

EXHIBIT X21.

A. PENNELL.

The 31st January, 1901.

LETTER NO. 332, DATED 30TH APRIL, 1900, FROM THE UNDER SECRETARY, GOVERNMENT OF BENGAL, TO MR. PENNELL.

No. 332 J. D.

JUDICIAL DEPARTMENT.

Judicial Branch.

From

C. L. S. RUSSELL, ESQ.,
Under Secretary to the Government of Bengal,

To

A. P. PENNELL, ESQ.,
District and Sessions Judge, Noakhali.

Dated Darjeeling, the 28th April, 1900.

SIR,

I am directed to forward, for your information, the accompanying copy of a Resolution by the Government of India in the Home Department, No. 1003-1014, dated the 18th April, 1900, regarding the case of Narsingh Singh, of Chupra.

I have the honour to be,
Sir,
Your most obedient Servant,
C. L. S. RUSSELL,
Under Secretary to the Government of Bengal.

EXHIBIT X22.

A. PENNELL,
Sessions Judge.

The 4th February, 1901.

LETTER, DATED 31ST JANUARY, 1901, FROM MR. CARGILL TO MR. PENNELL.

Noakhali,
The 31st January, 1901.

MY DEAR PENNELL,

I should like to know, if you have no objection to telling me, whether, when I left the station on 9th current, you remarked that I always left the station when outsiders come here, or words to that effect, because I did not care to entertain them.

My wife tells me she heard this, and shows me some correspondence she had with your sister on the matter.

Yours sincerely,
J. D. CARGILL.

EXHIBIT X23.

A. PENNELL,
Sessions Judge.

The 4th February, 1901.

LETTER, DATED 31ST JANUARY, 1901, FROM MR. PENNELL TO MR. CARGILL.

Noakhali,
The 31st January, 1901.

MY DEAR CARGILL,

I have no objection (beyond that it takes up my time, and that I am very busy) to telling you that so far as I remember I did not on the occasion in question give expression to the opinion indicated by you. I wrote to Ezechiel sometime before then, asking him to stay with me, and said in the letter that you were, I heard, going out before Bignell arrived, and were not expected to return till after he (Ezechiel) had gone. This may, possibly, have something to do with what you have heard. I did not, however, express any opinion as to the reason of your absence. Ezechiel can show you the letter. It will not impossibly have to be filed in Court.

Please try and avoid all correspondence with me just now. It will be better for both of us.

Yours sincerely,
A. PENNELL.

EXHIBIT X24.

A. PENNELL,
Sessions Judge.

The 12th February, 1901.

LETTER, DATED 12TH FEBRUARY, 1901, FROM MR. CARGILL TO MR. PENNELL.

MY DEAR PENNELL,

Your grass-cuts have cut grass in the circuit house compound and refused to discontinue the practice, though my servants have spoken to them. When I sent for them they refused to come. I have, therefore, no alternative but to write to you.

To make matters worse they have cut, or rather dug, grass on the cricket and football ground, where I am particular about the grass remaining in good condition.

I would be obliged if you would order them to desist from this, or either to returf the part of the ground they have spoilt, or to send me the money to have it returfed.

Yours sincerely,
J. D. CARGILL.

P.S.—You will see I am obliged to write to you, though on the last occasion I did so, you asked me to desist. The grass, I may add, is not my property. It belongs to Government.

J. D. C.

EXHIBIT X26.

A. PENNELL,
Sessions Judge.

The 12th February, 1901.

LETTER, DATED 1ST JANUARY, 1901, FROM MR. BUCKLAND TO MR. PENNELL.

U. S. CLUB,
The 1st January, 1901.

MY DEAR PENNELL,

Yours of 29th December from Suri.

Arrangements will be made so that you can have your three months' privilege leave in or about the early part of May, as you ask.

Yours,
C. E. BUCKLAND.

EXHIBIT X27.

A. P. Pennell,
Sessions Judge.

The 12th February, 1901.

LETTER, DATED 3RD DECEMBER, 1900, FROM MR. BOURDILLON TO MR. PENNELL.

DARJEELING,
The 3rd December, 1900.

DEAR MR. PENNELL,

In continuation of my letter of the 29th August, I write to say that the Lieutenant-Governor this morning had before him the proposals for posting Judges in the cold weather.

I am to say that after giving the matter his careful consideration His Honour is unable to transfer you at present, but there will be several changes before the hot weather, and you may count upon being transferred then to a healthy district, probably Bankura.

Yours truly,
J. A. BOURDILLON.

EXHIBIT X28.

A. PENNELL, J.

The 12th February, 1901.

LETTER, DATED 12TH JUNE, 1900, FROM MAJOR STRACHEY TO MR. PENNELL.

DARJEELING,
The 12th June, 1900.

DEAR MR. PENNELL,

The Lieutenant-Governor desires me to acknowledge your letter of the 21st ultimo, and to express his regret that by an oversight it has not been answered earlier.

He is pleased to see that you now recognize that your judicial deliverances have been often wanting in dignity and impartiality. Essentially, as you put it yourself, in charity, and he sincerely hopes that, as you say, the High Court will not again have occasion to comment adversely upon them.

Your appointment to Noakhali was arranged, as the Lieutenant-Governor told you, in December, long before he heard of the Chupra case. The arrears in Saran and Champaran had become so serious as to lead to correspondence with the High Court, and to necessitate your appointment to a lighter charge. The Collector of Noakhali has asked permission to return to the district on the expiry of his leave, and the Lieutenant-Governor cannot admit that the district is in any sense an undesirable one. One of your predecessors, Mr. Gun, remained there for many years at his own request. It would not be convenient to make any change at present, but the Lieutenant-Governor will bear your wishes in mind in the arrangement for next cold weather.

I am,
Yours faithfully,
J. STRACHEY.

EXHIBIT X29.

A. PENNELL, J.

The 13th February, 1901.

ENDORSEMENT OF MR. TWIDELL, DATED 8TH OCTOBER, 1899.

(In Pencil.)

Go to the Sessions Judge and see if you can be allowed to take a copy, as I want a copy before 3 p.m. to-day.

J. W. T.,

The 8th October, 1899.

SIR,

I went to the Judge's Court and met a clerk there, asked him for a copy of the judgment delivered by the Sessions Judge in appeal case of Nursingh Singh; he said that he was copying the judgment yesterday when the Judge took it again with the record, and that if it is sent to office to-day the copy will be sent here to-morrow.

Your most obedient servant,

BACHU LAL,

The 8th October, 1899.

EXHIBIT X30.

A. PENNELL,
Judge.

The 13th February, 1901.

LETTER, DATED THE 8TH OCTOBER, 1899, FROM MR. TWIDELL TO MR. PENNELL.

The 8th October, 1899.

DEAR SIR,

I have sent to your office and also to you for a copy of your judgment in the case of Narsingh Singh, which I want, if possible, before this afternoon. Would you please allow my *mohurir* to take a copy? I understand that judgment was given yesterday, and I should be glad to know what difficulty there is in the way of my having a copy.

Yours faithfully,

J. TWIDELL.

EXHIBIT X31.

A. PENNELL,
Judge.

The 13th February, 1901.

LETTER, DATED THE 20TH OCTOBER, 1899, FROM MR. FISHER TO MR. PENNELL.

Naya Dumka,
Sonthal Purganas,
The 20th October, 1899.

MY DEAR PENNELL,

I expect to be relieved by Carstairs on the 25th instant, and Bolton has written to me to proceed to Chapra as soon as possible. Shall I find you at Chapra about the 27th October, and would it be convenient to you if I were to take over charge on the morning of the 28th October.

C. FISHER.

EXHIBIT X32.

A. PENNELL,
Judge.

The 13th February, 1901.

LETTER, DATED THE 28TH OCTOBER, 1899, MR. BOLTON TO MR. PENNELL

Darjeeling,
October 28th.

MY DEAR PENNELL,

I have sent you a telegram requesting you to join early at Noakhali on being relieved. I understand that Fisher reaches Chapra to-day.

Huda is to take charge of Faridpur at the end of the vacation, Mitter having been granted one month's leave. I have authorised him, pending your arrival, to place the Munsiff in charge. This arrangement should obviously not continue for more than a few days, and it is for that reason that you are requested to proceed early to Noakhali.

Yours sincerely,
C. W. BOLTON,
9, Elysium Row.

EXHIBIT X33.

A. PENNELL,
Judge.

The 13th February, 1901.

(In Pencil.)

NOTES OF CONVERSATION WITH THE LIEUTENANT-GOVERNOR ON THE 10TH DECEMBER, 1899.

I had not read your judgment when I passed the order for your transfer.

The vindictive rancour with which you pursued the policeman and the district officer.

My Government.

You had better be careful what you are saying.

Reading your judgment, I have grave doubts whether you are fit for judicial employment.

I am speaking for your benefit and for your guidance.

I am not going to enter into a discussion with the High Court. It is my business to say where my officers can be most usefully employed. The judicial officers are my officers and not those of the High Court. Reading your judgment leads me to doubt whether you were really so impartial as you should have been.

I have not seen the policeman or the district officer, and have received no communication from them. I can only say that, reading your judgment as a perfectly impartial man, I have doubts as to your impartiality.

I am speaking to you privately.

EXHIBIT X34.

A. PENNELL,
Judge.

The 14th February, 1901.

COPY OF STATEMENT OF CASE BY DR. ASHE, BENGAL CIVIL MEDICAL DEPARTMENT.

Form No. 37.

Statement of the case under Articles 487 (*a*) and 894 (*a*) and 903, Civil Service Regulations.

Statement of the case of—

Name.—A. P. Pennell.
Office.—District and Sessions Judge, age 33.
Service in India.—Ten years (active).

Previous sick leave.—Nil.

Habits.—Active.

Present disease, its symptoms, causes and duration, with details of its progress and treatment.

Present condition.

Has suffered from dyspepsia since 1889; first came under my treatment in October, 1897; on my advice had a new set of teeth put in in December and for a couple of months kept better. Since I have treated him he has had eight distinct attacks of acute gastritis, with vomitting, purging, intense headache, and prostration lasting from 24 to 48 hours. The last attack was on the 25th of August, 1898. He has been treated with pepsine, bismuth, creasote, bromides, sulphocarbolate of soda and tonics with regulation of food, drink. As the attacks are recurring at frequent intervals, I have advised a sea trip to Australia and back.

REGINALD S. ASHE, M.B.,
Offg. Civil Medical Officer,
Mymensingh.

EXHIBIT X35.

A. PENNELL,
Judge.

The 14th February 1901.

MEDICAL CERTIFICATE FROM DR. SWAINE.

I hereby certify that Mr. A. Pennell, Additional Sessions Judge of Saran was, when on sessions duty at Motihari, under my treatment from the 12th to the 16th April 1899, suffering from severe headache, constant vomitting and fever, and was quite incapacitated from going to Court and doing any duty. Though far from well he attended Court on the 15th April against my advice.

F. R. SWAINE, M.B.,
Lieutenant-Colonel, I.M.S., Civil Surgeon, Champaran.

Motihari,
The 5th August 1899.

EXHIBIT 13B.

A. PENNELL,
Judge.

The 14th August, 1899.

EXHIBIT 36.

A. PENNELL,
Judge.

The 14th February 1899.

LETTER NO. 453, DATED THE 4TH AUGUST, 1899, FROM DR. MADDOX.

EXHIBIT 22.

No. 453.

From Captain R. H. Maddox, I.M.S., Civil Surgeon, Saran, to A. P. Pennell, Esq., I.C.S., District Judge, Saran, Chupra, Dated 4th August, 1899.

SIR,

In reply to your letter No. 991, dated 2nd August 1899, I have the honour to state that I visited you twice on 31st May, once on 1st June and once on 2nd June. You were then suffering from an attack of acute gastric cattarh with vomitting and diarrhœa. You were certainly not fit to go to Court on 1st June, and were not really fit for work for several days after that date, and I consider you were quite justified in leaving the Court earlier than usual.

2. I remember seeing you after your return from Motihari in May (at the time when Mr. Caspersz was on leave in Darjiling). I certainly thought you were looking very ill, and to the best of my recollection I told you so at the Club the first morning I saw you after your return; at any rate I mentioned it incidentally to Mr. Caspersz in a private letter which I wrote to him (?) Darjiling of which being a private letter I kept no copy.

I have the honour to be, Sir,
Your most obedient Servant,
R. H. Maddox,
Captain, I.M.S., Civil Surgeon, Saran.

EXHIBIT X37.

A. Pennell,
Judge.

The 14th February 1901.

Letter, dated the 5th October 1900, from Mr. Bourdillon to Mr. Pennell.

Darjeeling,
The 5th October 1900.

My dear Pennell,

I have to-day seen the Lieutenant-Governor, and he has told me of what passed at his interview with you.

He has definitely decided to give you no assistance in effecting an exchange to another province.

In these circumstances you will, I suppose, apply for leave in due course.

Yours truly,
J. A. Bourdillon.

EXHIBIT X38.

A. Pennell.

The 15th February, 1901.

Letter, dated the 5th September 1898 from Mr. Pennell to Mr. Bolton.

The 5th September 1898.

My dear Mr, B.,

I understand that it is in contemplation, if I do not take furlough, to post me to Saran for two or three months at the end of the privilege leave just granted to me. Under these circumstances I should be glad if you would permit me to withdraw my application for furlough. I trust that at the end of my term in Saran you will be able to let me have some district with a good climate or at all events one where dyspepsia is not prevalent.

Yours sincerely,
A. Pennell.

P. S.—I find I took away the statement of my case, which I think you want. I enclose it herewith.

A. Pennell.

(ANNEX No. 42 TO No. 1.)

IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

The 17th April 1901.

CRIMINAL JURISDICTION.

Present:

THE HONOURABLE MR. JUSTICE AMEER ALI,
and
THE HONOURABLE MR. JUSTICE PRATT,
Two of the Judges of the Court.

Aslam, Anwar Ali and Sadak Ali ... ... *Appellants,*
versus
The Emperor ... ... *Respondent.*

This is one of those murder cases unhappily so common in Eastern Bengal, several instances of which have recently come before us.

The case is simple enough, but its consideration has been rendered difficult by the mass of extra-judicial matter imported into it by the Sessions Judge and the lengthy dissertations in which he has indulged on side issues of a more or less irrelevant character.

The consequence is that his judgment has assumed the formidable dimensions of 80 folio pages of printed matter.

The scene of the occurrence which gave rise to the present prosecution, is a village called Chur Uria, in the District of Noakhali, situated about three or four miles to the south-west of the sudder station or town of Noakhali, known also as Sudharam. The name of the murdered man, for there can be no doubt that he came by his end by foul means, is Ismail Jagirdar. He seems to have been a man of substance. Besides owning some property he was employed as a peon under the Bhulua Estate. As such peon his duties were to serve processes and proclamations against defaulting tenants. Round about his house were scattered the *baris* of his own tenants, between whom and the deceased there seem to have been constant dispute and litigation. It will thus be seen that Ismail Jagirdar was by no means a popular person in the neighbourhood. He is said to have been of a litigious and grasping disposition and was probably hated by many people.

According to Idris, Ismail's son, a youth of 17 or 18, and judging from the record, possessed of considerable shrewdness and intelligence, the deceased left home for Noakhali on Saturday morning (9th Bhadro=25th August), but did not return in the evening as he was accustomed to do. Next morning Idris saw his father's corpse in the tank close to his *bari.*

Idris says that on seeing his father's dead body he burst out crying. He was then joined by a number of men, among them one Yakub Ali who was sent up for trial, but was acquitted in the Sessions Court. On his way to the thana these men suggested to him, he says, to report his father's death, but to charge no one; they also suggested his going to a *mukhtear,* and he was in fact taken to a *mukhtear* called Ashruff Ali who told him to lodge the information as he had seen. From the *mukhtear's* lodgings he went to the thana and gave the *izhar* which was taken down by the Sub-Inspector; when the body was taken out and sent to the Doctor, he accompanied it, and on learning that death was due to violence he lodged a second information late at night. He states that when he gave the information the Daroga told him to name a few of the persons with whom his father had enmity. This is of some significance, as it shows that at that time the Sub-Inspector, who, the Sessions Judge thinks, was bent on hushing up the case, was not actuated by any such motive and was evidently, from Idris' statement, anxious to get the names of the people who would have a motive for committing the crime. In his second information, Idris appears to have included every neighbour with whom his father had any dispute or any possible cause of enmity.

The Police came to the spot on Monday morning. The investigation lasted several days, but the Sub-Inspector either could not find a decisive clue to the culprits, or, as the prosecution allege, would not arrest the persons whom Idris suspected, because he was improperly influenced on their behalf. Anyhow Idris was not satisified with the police investigation, and on the 5th of September he presented a petition to the Magistrate complaining against the Sub-Inspector. This petition is marked as Exhibit III in the Sessions Court. Idris suggests in his evidence that Osman Ali Daroga was influenced by two men, Amjad and Hamid, on behalf of the accused. Osman Ali's special diary respecting the investigation has been made a part of the record, and the learned Sessions Judge appears to have made use of it in the course of his judgment, but when the pleader for the accused attempted to refer to it he was stopped by the Judge, who evidently acted thus under the impression that although it might be used for the purpose of showing the laches of the Sub-Inspector, it was not relevant on behalf of the accused. In fairness to the persons, who are on their trial for their lives, we have thought fit to refer to those diaries. Upon the evidence there can be no doubt (although the Session Judge seems not quite to believe it), that Mr. Reily visited the locality under the orders of the District Magistrate on the 15th September and had a plan or map made under his supervision by the Court Head Constable Mohim Chunder. That map is marked as Exhibit A. In the course of Mr. Reily's examination it appeared that A was prepared from a draft, which also has been put in and is marked as Exhibit A a. The map prepared by Mohim under Mr. Reily's supervision does not show the breaks on one of the roads leading from the north to the south, and in consequence of that another map was ordered to be prepared by the District Overseer, which also has been put in and marked as Exhibit V. The omission to show the breaks on the plan A. prepared by Mohim is attributed by the Sessions Judge to an improper motive on the part of Mr. Reily, *viz.*, a desire to suppress evidence. And not only that; thinking that A could not have been prepared on the 15th of September and as Mr. Reily's signature was attached to it as of that date, he charges him with the fabrication of false evidence. With this latter suggestion we shall have to deal in another proceeding, and we, therefore, refrain for the present from expressing any opinion on that point.

But in order to judge whether the imputation of perjury so lavishly made in the learned Sessions Judge's judgment has any substance or foundation, we have carefully examined Mr. Reily's evidence, and are bound to say, in common fairness to him, that we have seen no indication of any intentional perversion of fact or mis-statement of truth or suppression of evidence. Mr. Reily, in the course of a long and searching examination by the Court, may not have remembered facts he might or even ought to have remembered. He may have made mistakes regarding matters which came within his cognizance which might show that he is not an intelligent officer, but to hold that he has wilfully perjured himself, is, in our deliberate opinion, a violent and groundless assumption. We are constrained to agree with the learned pleader for the appellants that the judicial vision of the learned Sessions Judge was clouded by extraneous circumstances.

Even Exhibit V prepared by the Sub-Overseer is imperfect. It represents the *locale* only partially and does not give all the houses along the road; nor does it depict the roads leading from the town of Noakhali to the village of Chur Uria. In spite of the allegation of perjury and forgery against Mr. Reily there is nothing to show that the delineation of the place, apart from the condition of Asak Jamadar's road, is incorrect; and we therefore proceed to deal with this case upon the basis of the draft map prepared by Mohim Chunder.

It will be noticed from this map that the house of the deceased has a tank directly to the east of it; to the south of the tank is a path-way leading from the public road called Benode Bepari's road to the *daroja* of the deceased's *cutchery* hut. The Sessions Judge says the word "*daroja*" in the district of Noakhali means the raised pathway which leads up to the entrance of the *cutcheri* hut, or to the *oothan* (court-yard) where there is no *cutcheri* house. On the map, D is said to represent the *daroja*, B is the *cutcheri*, and A the dwelling-house of the deceased. On the west of the deceased's house is the house of Abdul Hakim, one of the persons who was suspected and accused by Idris. To the south-west lies the house of Naimuddi Miaji. To the north-west is the house of Karim Buksh with whom lives Abdul Hakim, another person accused in the case. To the north of the tank is the house of Imdadulla, who also was suspected and accused, but is not concerned with this trial. Immediately to the south of the pathway to the south of the tank is the house of Sadak and Aslam, two of the appellants before us. The third appellant lives futher south. Along Benode Bepari's road from the path-way mentioned above, there are a number of houses to the very end of the road shown in the map. Another important circumstance which is clear from the map seems to have escaped the notice of the learned Sessions Judge, *viz.*, the path or village road running from west to east, to the north of the tank and the garden belonging to the deceased and meeting Binode Bepari's road towards the east just south of Imdadulla's house.

The petition of the 5th of September is a carefully worded document drawn up evidently by one experienced in law, in which the petitioner is made to say that the petitioner and his mother suspect their enemies named by them before the Police, and that during the Police investigation it was disclosed by some persons that the said suspected enemies actually caused the death of his father, and that in spite of the evidence before the police they were silent up to date. He then proceeds to state as follows:—"That the Sub-Inspector Osman Ali being a local man, most of the accused persons are directly or indirectly related to the said investigating Sub-Inspector and his son's father-in-law Amjad Mia, and that during the investigation the said Amjad was all along with the Sub-Inspector," and that in consideration of all these facts the petitioner was inclined to believe that no proper care will be taken by the police to bring the culprits to justice, and therefore he prayed that the Magistrate should take up the case himself. Idris admits that on that day he knew the men who had deposed before the police, but he did not mention their names in the petition. His abstention to mention the names was naturally commented upon by the defence. But the learned Sessions Judge has overruled that objection on the ground that Idris and his advisers were naturally reticent, as they did not wish to disclose the names of the witnesses unless they felt sure that the case would be taken up by the Magistrate himself. We are not exactly able to follow the argument, for if these persons, as the complainant alleges, and the witnesses also allege, had already made statements to the police officer incriminating the accused, a concealment of their names could be of no assistance to the complainant; but this is a small matter, and so we shall go on with the recital of the facts.

Upon the petition of the 5th of September, Mr. Reily was directed to investigate the matter himself, and he examined, in the police office, after service of notice through the thana, a number of witnesses, some of whom have given evidence in the case. The learned Sessions Judge comments on the conduct of Mr. Reily in having summoned those witnesses through the Sub-Inspector, against whose impartiality the complainant had made certain imputations. That again seems to us to be somewhat irrelevant to the inquiry. The case for the prosecution is not that by this procedure any material witness was kept back or that any tampering had taken place in consequence of Mr. Reily sending for the witnesses in the regular course instead of making a house to house visitation in order to ascertain what the witnesses knew. After the investigation Mr. Reily made a report to the effect that he was not prepared to believe the evidence produced on behalf of the complainant. This report bears date the 28th September. In the meantime on the 21st September a petition was presented to the District Magistrate by eight men, four of whom have deposed on behalf of the complainant, saying that since they had given evidence before the Police Saheb the Daroga had been threatening them, and asking for the protection of the court. The defence challenge the *bona fides* of this petition and suggest that it was made with the object of prejudicing the Judicial Officers; and that in any event, it shows that whatever the conduct of the Daroga was, he had not succeeded in suppressing any evidence on the side of the prosecution; and that if he was enraged he was enraged because he had been complained against. The report of Mr. Reily was not accepted by the District Magistrate, and he was directed to send up the case in A form which was accordingly done. The preliminary inquiry was held by Babu Kali Sunker Sen, Deputy Magistrate of Noakhali, and the accused were committed to the Sessions. The learned Sessions Judge with reference to this part of the case says as follows:—" On the 15th of October the A form was submitted and was made over to Babu Kali Sunkar Sen, the Senior Deputy Magistrate, for disposal. On 16th October the examination of the witnesses of the prosecution commenced, and from that date to use an expressive colloquialism, it has been all over but the shouting." We are not sure if we actually apprehend the meaning of this 'colloquialism " used in this connection in a judicial utterance. If it means that from that date the result was a forgone conclusion, then we must say that it was a most unhappy expression, showing the bent of the Judge's mind and proving what the learned pleader for the accused contented that he had approached the consideration of the case with his mind made up on the subject of the guilt of the accused.

The trial before the Sessions Judge commenced on the 7th of January 1901 and continued up to the 25th of January when " a few more words from Babu R. K. Aich for the accused were heard." The case concluded on that day and the judgment was delivered on the 15th of February, but no reference was at any time made to this Court, as by law it was incumbent upon the Sessions Judge to do. On the 16th of February a number of witnesses were required to give bail to appear before the Magistrate to answer charges under Section 193 of the Indian Penal Code. Mr. Reily was arrested and committed to jail under charges under Sections 193, 466, and 471, and the other police officers were also committed to the Sessions to take their trial under Section 193.

The witnesses who are alleged to have witnessed the occurrence are in the first instance Hossein Ali and Torab. The Sessions Judge has believed their story and, mainly upon their testimony, convicted the present appellants. Hossein Ali states that on the 9th Bhadro he had gone to Bellew Saheb's *hat*, which is shown in the map as lying to the north-west of Chur Uria about four miles from the place where he resides. His house is shown as lying towards the south of the junction of Asak Jemadar's road and Benode Bepari's road about a mile or a mile and a-half from the deceased's house. The witness says that he started on his return journey to his home about two *dandas* after sunset. Taking the sun to have set at about half past 6, as would be the case about that time of the year, that would be nearly half past seven. He says he was accompanied by Torab, whose house is somewhat south of his own; when he came close to Ismail Jagirdar's *bari* he heard the cry of *mago* (Oh mother!) from a distance of 17 or 18 cubits; that Torab and he went forward towards the direction of the cry; that they saw Sadak, the accused No. 1, holding the deceased by the throat, Aslam holding him by the waist and arms and Anwar holding him by the legs; and that they were carrying him towards the west. Then he goes on to say: " We were advancing towards them when six or seven persons came from the west and said 'seize him.' They said nothing else. Out of fear we went homewards towards the south. We could not recognise any of the men that came from the west." He also stated that the place where he saw deceased being carried was about one *kani* towards the east of his tank, and that it was four or six *gharis* after sunset which would be about 9 P.M. Admittedly it was an *amawasia* night, the night before the new moon, and the darkest night of the month; but to explain how he observed the people the witness says there were flashes of lightning and there was also star-light. On the way home they called to several people, but none of them answered, but they came across Atar Ali at the entrance of Haro Chunder Dutt's house and told him of the occurrence. He says also that he mentioned what he had seen to his brother and mother; but he admits that he gave no information to the deceased's household either on that night or the day following, or the day after, although they had heard that the deceased's body was found in the tank on the morning of Sunday; but he states that he deposed before Osman Ali

Daroga on Tuesday, the 12th Bhadro. He also says that he deposed before the Police Saheb on the 27th Bhadro, and that it was after he had deposed to the Police Saheb that Osman threatened him.

The case for the accused is that neither Hossein Ali nor the other witnesses ever deposed before the Daroga on the 12th Bhadro as they allege; and that the statement which is now made that they had given evidence before the Daroga is made with the object of removing any suspicion which may attach to their evidence as being an after-concoction. The learned Sessions Judge has believed that they had deposed before the Daroga, and that this officer had improperly suppressed any mention of their statements in his diary. So far as the present question is concerned, namely, whether Hossein Ali's statements are to be accepted or not, we may assume that he did depose as he alleges before the Daroga. Proceeding upon that hypothesis let us examine his evidence. The pleader for the defence was anxious to examine both Hossein and Torab on one and the same day, and the learned Sessions Judge on the 9th, the day when Hossein was examined in chief, appears to have considered that prayer as reasonable. On the 10th, however he found the quarterly statements so important as to engage his attention until 2 o'clock, and when he took his seat in the Court at that hour it was fonnd impossible for the learned pleader to finish the cross-examination of both the witnesses on the same day, and he accordingly was obliged to proceed with Hossein Ali's cross-examination which he was able to finish at 4-40 P. M. The case was then taken up on the 11th of January when Torab was examined. Mr. Guha was, in our opinion, fully justified in his comments regarding the attitude of the learned Judge; and he refers to a passage in the learned Judge's judgment to show that the decision of this case has not been arrived at with that unbiassed mind which is expected from a Judicial Officer. The passage he refers to is to be found in page 102. "And the natural inference is," says the learned Sessions Judge, "that the accused men's pleader either thought that these two peasants had been so carefully coached that it was hopeless for him to attempt to break them down, or that he belived that the story they were telling was a true one." Mr. Guha points to the fact that it was the Judge's own inability to sit before 2 o'clock which prevented the pleader in the Lower Court from taking the course which he was anxious to take, and that the inference which the Judge has drawn from the pleader's cross-examination of Hossein Ali on the 10th is wholly unwarranted. We have, however, the evidence on record and we must deal with it as it stands. Hossein Ali in his cross-examination admits that although there are thirty or forty houses on the way between the place of occurrence and his house not a single person answered him when he called out. He says "we were going from the north; the men holding Ismail were south of my front (which would mean exactly opposite;) the men who called out to seize us were on the west of us; they were on a level with us." "We did not start back north when they called out. We went straight on southwards. They did not pursue us." And although this man says that he had been to Ismail Jagirdar's house three or four times before, he never went and mentioned what he had seen to the family of the deceased, nor did he mention the occurrence to any person whom he met next morning. There are several *panchayets* and *matbars* living close to him; he admits he did not mention the occurrence to them either. The way in which he came to tell Idris that he had deposed before the Daroga is a circumstance for consideration. He says he met Idris two or three days after he had given his deposition before the Daroga, as he was crying on the road north of Peshkar's *hat*; he was talking to some one and crying about his father's death. "I don't know the name of the man he was talking to. I asked the man who the boy was "and the man said that he was Ismail Jagirdar's son. I told Idris that I had told the "Daroga what I knew about his father's death. He did not ask my name, nor did I tell "him, nor did the man speaking to him ask him." And this is the man who has admitted that he had been to Ismail Jagirdar's *bari* "three or four times, before the occurrence." He says he had gone to Bellew's *hat*, although close to his house there are a number of other *hâts*. Peshkar's *hat* is held on Sundays and Thursdays, Jagabandhu's *hat* is held on Fridays and Tuesdays; and yet he had gone to Bellew's *hat* in order to purchase a fishing net, and to sell, as he tells the Court at the end of his examination, two seers of chilis.

Torab states that he was returning home from Bellew's *hat* with the witness Hossein, they were going south by the road which passes to the east of Ismail Jagirdar's *bari*. Hearing a cry of *mago* (Oh mother!), they stepped forward in the direction of the sound. The witness then saw the first accused Sadak holding the deceased by the throat; Aslam by the arms and waist, and Anwar by the two legs; and carrying him towards the west. He then goes on to say: "I said to the men it is not good—are you killing Ismail Jagirdar or setting fire to Chur Uria?" When he said this he was 3 or 4 cubits from them. He says further on that "when I spoke to the men holding Ismail, 4, 5 or 7 other men threatened me saying 'seize them.' I did not recognize any of these men—they were some way off, some 15 or 17 cubits off." "When we were threatened we were afraid and went hastily to the south." This witness fixes the time when he saw the occurrence to which he deposes as six *gharis* after sunset which would be 9 P.M. and also says that he mentioned that night what he had seen to Atar Ali, the next morning to Karim Buksh, Nanda Thakur and Nur Mia. Atar is dead, but the others are admittedly alive, but have not been examined. This witness like Hossein never went to the house of Ismail Jagirdar either on Sunday or Monday to give information of what he had seen. But he says he deposed before the Daroga and the Police Superintendent. He says the Daroga threatened him after he had given his evidence before the latter. In cross-examination he admits that the accused knew him, but made no attempt to tamper with him, that he never told any one that the Daroga had forbidden him to depose before the District Superintendent; and that he did not point out to the latter officer the road by which they had come that night. He says he had gone to Bellew's *hat* to sell betel nuts although there are several *hats* close to his house in which betel nuts are sold. He admits further that he was challaned in a case by the Sub-Inspector in which he was convicted and that he had deposed before on behalf of the deceased.

The statements of Hossein and Torab recorded by the Superintendent of Police are on the record and differ considerably from their depositions in the Sessions Court. For example, before the Police Superintendent Hossein had said he saw deceased caught by the accused ; they were carrying him towards the back of his house ; the witnesses spoke to them, "Why are you beating Ismail Jagirdar ?" the accused replied "you get away" saying which they went towards the tank. The witness then shouted when three persons came to the bank of the tank and saw the occurrence. Hossein then went on to say : "I cannot give their names. I and Torab saw the deceased seized, but did not see him killed. We did not go to Ismail Jagirdar's house. I did not tell this to my wife, mother or any member of my household. We mentioned this to Osman Ali's mother and also to Atar Ali whom we met at the gateway of Har Chunder's house." And he added, next morning when he heard Ismail Jagirdar had been killed he did not mention the occurrence to his relations or any other persons.

Before the Police Superintendent Torap first stated that he saw Ismail killed by Sadak, Aslam and Anwar ; that he was seized by 10 persons in all. He then changed his statement and said he had not seen the deceased killed. Sadak seized the deceased by the neck, Anwar by the legs and Aslam by the waist, and how the other seven persons held him he could not say. All the ten accused carried the deceased to the tank. He could not say what they did with the deceased. He then says as follows :—"We called out why are you killing this man ? They replied go away. We raised an outcry no one came. The night was dark and it was raining a little. We saw what was taking place by the flashes of lightning. We did not mention anything to the inmates of Ismail Jagirdar's house. We did not go to his house. Through fear we did not say anything about it." Then he said that they met Atar Ali near Asabuddin's house on the public road about half a mile from Har Chunder's house whom they told of the occurrence. Torab also said they had told this that night to Osman Ali's mother from her gate way, but that he did not say anything to anyone next day. He further stated that when deceased was seized, he called out "*mago*, *mago*, *marilore*, *marilore*" "Oh mother ! Oh mother ! I am being killed, I am being killed."

The discrepancies between the statements of Torab and Hossein before the Police Superintendent as also between those statements and the evidence given by them in Court are apparent, and the defence naturally relied upon those discrepancies to show the unreliable character of the testimony of these two witnesses for the prosecution. The learned Sessions Judge disposes of this point in the following passage.

"The next defence set up for the accused is that the other most important witnesses Hossein, Torab and Islam made to Mr. Reily on the 12th September statements differing in certain respects from what they say now. In most cases the discrepancies are comparatively unimportant—in no case are they admitted by the witnesses who as to somethings flatly deny having told the Police Saheb so and so, in other matters simply say they do not remember having told him so and so. Even if Mr. Reily were in a position to say positively that the men made to him the statement he has recorded (and he admits that without referring to his diary he cannot remember what they said), Mr. Reily has perjured himself so grossly on other points that I should not be disposed to believe him. But I think it sufficient to point out that Mr. Reily admits that he does not thoroughly understand the dialect of Bengali spoken in this District and that parts of what he has written were translated to him by his Head Clerk, that he cannot say which parts were so translated, and cannot say with regard to any particular statement that it was not so translated, and that the Head Clerk who alone could say whether he translated it correctly has not been examined."

In other words in a case where the accused were being tried for their lives, the evidence of the witnesses for the prosecution is to be accepted as true and any discrepancies between their former and present statements put out of consideration because forsooth, they deny having made statements of a different character or do not remember them and because the officer who recorded those statements may not be thoroughly conversant with the language in which the evidence was given, without anything being shown that he had not properly understood them. We wholly and absolutely refuse to give our warrant to such an *à priori* reasoning, which proceeds upon the assumption of the truth of the case for the prosecution and the falsity of the defence.

We have had occasion recently to observe that sometimes the Subordinate Magistrates in this country in the trial of criminal cases reversed the right principle of law that a person accused of the crime should be presumed to be innocent until he is proved to be guilty. In our opinion in the trial of this case that wholesome rule was reversed by a Judge, who, from his judgment, does not appear to be wanting in ability.

This is not the only passage which gives an indication of his mind ; the judgment teems with observations which prove to us beyond reasonable doubt that, whatever the cause, he had started upon the trial with the settled idea that not only the accused before him, but the others whose names had been given by the complainant and his partizans, were guilty.

With these remarks we proceed to consider the evidence of Hossain and Torab, the principal eye-witnesses in the case. In order to understand their evidence it is necessary to keep in mind the excellent map prepared by the Head Constable Mohim Chunder Mozumdar regarding which we have already expressed our opinion. They say they were returning home by Benode Bepari's road, as the other road which was shorter and would have brought them quicker to their houses had several breaks, one with water up to the waist. The District Superintendent when he inspected the place, as admittedly he did, did not consider the breaks so deep or difficult to get over as the witnesses represented. In this view he is supported by the Sub-Overseer Saroda Mohun Chuckerbutti who after mentioning the three breaks on Asak Jemadar's road, said the biggest break was between P and R (on his map) which is 60 feet long and 2 feet deep. And in answer to the Court he added "I mean that the bottom is two feet below the level of the road." In cross-examination, however, he explained himself thus "the depth of two feet is in the centre of the break, at the edge it would not be more than nine inches from the level of the road."

The learned Sessions Judge, however, from his personal observation the result of which is not entered in any separate proceeding, came to the conclusion that the break was such as would induce people not to travel by that road at night. It is a noticeable circumstance in this case that the witness Ismail or Islam upon whom the Sessions Judge has relied, does not appear to have considered that break so formidable or to have been deterred by it, as we shall see later on, from going home that way.

We shall, however, consider the evidence of the two witnesses mentioned above from the standpoint of the learned Sessions Judge that they came by Benode Bepari's road and that they made no conflicting statements before the District Superintendent of Police. In the early part of the night there had been rain, and they say they had taken shelter in a blacksmith's hut and thus were late; and they say they saw the seizure of the deceased from R and S right on the road and that the deceased was seized at K which is directly opposite to the path south of the tank leading to Ismail Jagirdar's house. The time, as already mentioned, they give as 6 *gharis* after sunset which would be about 9 P. M. The theory of the prosecution is that the deceased was caught as he was returning from Noakhali town, stunned, throttled and thrown into the tank.

Now, one thing is absolutely clear in this case that the deceased finished his deposition in the Noakhali Court about 5 or 5-30 P. M. that Saturday afternoon. He was next seen by a witness Abdul Mir in the company of two constables Ahmadullah and Abdul Aziz in front of his (Abdul Mir's) house which is on the Lakhimpur road which runs from east to west along the north of Chur Uria. Abdul Mir was one of the witnesses whom Osman Doroga had discovered in the course of his investigation. He appears to be a respectable man and thoroughly independent. He says the time he saw him was after sunset, he had a piece of new cloth under his arm, and was wearing a *piran*, coat, a sheet and a shirt, was carrying an umbrella and it was raining hard at the time. The Sessions Judge has persisted in translating *dhuti* into shirt. Possibly the word "shirt" here in the original deposition was *dhuti*. The witness asked Ismail to stop at his house but he did not. According to this witness his house is only a mile from that of the deceased.

Ahmadullah, the constable in whose company Abdul Mir had seen Ismail Jagirdar, has also deposed in this case. He says that on Saturday the 9th of Bhadro he had met the deceased at the *daroja* of Asad Mullah who is apparently a relative of Abdul Mir. He then states as follows:—"Abdul Aziz Constable, was with me. I was returning home from the town and met him on the way. Ismail Jagirdar was going towards his home from the direction of the town. My house is about 1½ miles from Ismail's. We all three went together as far as Kala Bhanga *dighi* near there we separated, Ismail going by the southward road which passes by the east side of the *dighi* while we went by the Government road which leads to the west by the north bank of that *dighi*. Ismail was alone when he parted company with us. I deposed before Osman Ali Daroga two or three days afterwards."

In cross-examination he states that Ismail's house is a little under a mile from the Kala Bhanga *dighi* (the place where they had parted). It was raining when they had got to Asadullah's *daroja; it was just after sunset.*

According to the witness Abdul Aziz (witness No. 7) Kalabhanga tank is a mile or a mile and a half from Ismail Jagirdar's house. According to Mr. Reily the distance is only ¾ of a mile which is probably more correct, for Abdul Mir says his house is only one mile from the deceased's; and the constable Amadullah says, Asadullah or Abdul Mir's house is half a mile from the *dighi*.

We have it then that shortly after sunset which as already mentioned, would be 6-30 P. M. the deceased was seen a mile or thereabout, from his house. Supposing it was as late as 7 P. M. he had only a mile to travel to reach his house, even if he walked slowly (which is not consistent with the evidence) he would not take more than half an hour to finish his journey and yet the witnesses profess to say that they saw him seized at 9 P. M. We may here observe that these men could not time their arrival earlier near the deceased's house as the rain, which they alleged had detained them in the blacksmith's shop at the *hât*, ceased (according to independent testimony) only about two *gharis* after sunset (see Abdul Mir's deposition, p. 41 and Idris, p. 16). The learned Sessions Judge has disposed of this contradiction in a somewhat peculiar manner, first by stating that people of the class from which the witnesses come are not particular as to time; and secondly by a hypothesis advanced by the Government pleader for which there is absolutely no foundation in the evidence. He refers to the medical evidence to support the fanciful theory of the Government pleader. It is strange however that the Sessions Judge did not take the trouble to have the doctor examined in his Court and to have all the doubtful points cleared up and his testimony properly sifted.

But there is another circumstance, which seems to have escaped the notice of the Judge, and which, in our opinion, shows beyond any doubt that the two witnesses Torab and Hossain have been lying. We have already mentioned that to the north of Ismail Jagirdar's tank there is a village road which joins Benode Bepari's road on the east, and this village road also leads to the deceased's house. If the deceased then was coming from the north, he would naturally take the first road to his house; there was no reason whatever for him to leave that turning and to come down futher south which must necessarily take him past the house of his principal enemy Sadak.

There are two other circumstances which strengthen the view that the evidence of these two witnesses is not true. First, it is in evidence that the deceased left home wearing a *piran* or coat, a sheet and a *dhuti* and a cap; he had also an umbrella and some papers in his pocket. Returning home he was dressed in the same way and had besides a bundle under his arm. When his body was found in the tank, he had only a *dhuti*; so that unless the people who murdered him also took off his clothes and robbed him of his papers, his parcel and umbrella, he could not have been attacked in the way suggested by the prosecution on his way home from Noakhali. The houses of the accused were searched by the police in the presence of a number of people. The tank was searched not only by the police but also by Idris. But none of the missing articles have been found. Besides, if murder was the object, it would seem improbable that the clothes of the deceased and other articles would be deliberately taken away, as it would multiply the chances of discovery.

Rajab Ali (witness 4) states that on the 9th of Bhadro "just as the sun was setting" he had seen the four accused (*viz.*, the appellants and Yakub Ali) on the road under a banian tree. The place where he saw them is marked L on the map A*a*, on the road which diverges south-west from Lakhan Bakshi's road. The special diary of the sub-inspector bearing date the 30th of August shows that upon information given by Nando Bashi, whom the defence allege to be a material supporter of the prosecution, the police officer sent for two men of the names of Umar Ali and Umed Ali who stated that on the night of the occurrence about 7 p.m., they had seen the deceased "on a culvert on the public road to the east of the Utshaba tank"; he was then going towards his house. The place where Umed Ali alleged he saw deceased is marked M on the map and is considerably towards the south of the deceased's house. These two men have not been examined in the Sessions Court. As the special diary containing their statements, was before the Sessions Judge, we should have thought that in order to clear up the mystery and to elucidate the truth, he would have, of his own motion, as he did in the case of Mr. Reily, examined those persons. He, however, did not chose to do so; and the doubt remains whether the prosecution did not at first intend to place the route taken by Ismail Jagirdar along Lakhan Bakshi's road, and changed the story when Abdul Mir and Ahmadullah appeared on the scene and deposed that the deceased had been seen about the same time taking a totally different direction.

After carefully and anxiously weighing the evidence of Hossain and Torab we have been forced to the conclusion that it is utterly unreliable.

The conviction of Anwar Ali, Appellant No. 3, depends solely on their testimony and must consequently fail. We set it aside and direct that he be discharged

We now come to the evidence of Ismail or Islam who speaks to an incident unconnected with that deposed to by Hosain and Torap, and has, therefore, to be examined from a different stand-point. He says on the evening of the 9th of Bhadro he had gone to the house of Karim Buskh (a brother of Yakub) for the settlement of a case. Karim's house lies to the north-west of the deceased's *bari*, and to the east of Asak Jemadar's road. He was returning home "about one *prohar* after sunset" (9 p.m.). He first took the village road to the north of the house of Ismail Jagirdar and to the south of Imdadullah's. When he was near the south-western corner of the tank, he saw four men carrying a dead body from east to west by the southern bank. He recognized three of the men Sadak, Aslam and Yakub: the fourth he thought was Abdul Halim who was discharged by the committing magistrate. Upon his asking what it was, Sadak Ali abused him and told him to be off. He was frightened and ran home. The road he took was towards the west past Niamuddi Miaji's shown in the map. He saw eight men conversing, among them was Abdul Hakim, brother of Yakub. He told them what he had seen, but they told him to mind his own business. Passing by the *daroja* of Abdul Aziz he called out to him and told all the circumstances. Abdul Aziz accompanied him some distance. Next morning he heard that Ismail's body was found in the tank. He then told two men, Amjad Mir and Hamida Thaka, what he had seen overnight.

Amjad Mir has been examined for the defence but no question was put to him by either side whether Islam's statement that he had told Amjad of what he had observed was true or not. In cross-examination Islam states that from Karim Buksh's house he went first south, then east, then turned south again by the path which passes to the west of Ismail Jagirdar's tank. He had come round the south-west corner of the tank and had gone 4 or 5 cubits east from the corner, and was turning to go south when he saw the dead body. And he adds that it was a dark night but starlit, with flashes of lightning. This man's *bari* is three-quarters of a mile from the deceased's.

Before the Superintendent of police this witness had stated that he did not mention to any of the inmates of his house what he had seen nor next morning tell anybody else.

Abdul Aziz (son of Amiruddin), states that on the night of the 9th of Bhadro the witness Islam called and told him, "come with me a little way I am afraid." He said also 'I was coming by the west bank of Ismail Jagirdar's tank when I saw three or four men carrying something which looked like a dead body.' I asked him if he had recognised the men; he said, 'yes, they were Sadak, Aslam and Yakub Ali.' I did not ask him anything more."

In cross-examination he admits he did not tell of the occurrence to any one before he deposed to the Daroga, and never told Idris about it.

Before the district superintendent of police, he had stated that Islam had told him he had seen Sadak and Aslam and "some two others" carrying a body; and that the night was dark, "too dark to see anything."

Had the evidence of Ismail or Islam, although corroborated as it appear to be by Abdul Aziz stood alone, we should have had some hesitation in differentiating it from that of Hossain and Torab. But there are several circumstances in the case which make us think that the testimony of this witness requires careful consideration.

His recognition of the accused has been discounted by the assessors and the Sessions Judge in so far that they have not accepted his testimony against Yakub Ali. The night was too dark to see anything and the men carrying the body were apparently under the shade of trees. The doubt, the benefit of which has been given to Yakub, applies also to the identification of Aslam by this witness, but as regards Sadak he states he heard his voice and that the accused No. 1 actually spoke to him. If belived, he would have reasonable means for identifying Sadak. The question is should he be believed? It appears to us that as against Sadak his evidence must be considered in conjunction with several circumstances.—(1) The threats to the deceased held out by Sadak as deposed to by Idris that "he was digging his grave" and that "this is his last time;" (2) Sadak's attempt on the night of the tragedy according to Abdul Aziz, the boat man, to leave the locality, and (3) the marks of the struggle on the pathway leading to the deceased's house, in close proximity to Sadak's *bari.*

In view of the course which we propose to take so far as Sadak is concerned we do not wish to express, nor would it be expedient or right that we should express, any opinion on the facts to which we have referred. But we think we are entitled to explain the conclusion to which the general evidence has led us as to the time when and the circumstances under which this crime appears to us to have been committed. From the fact that when the corpse was found the deceased had no clothes on the upper part of his body, and that none of those clothes have been discovered in the tank or in the houses of the persons suspected of being concerned in his murder, it may safely be assumed that he had returned home. Whether Idris or his mother had seen him return is a question with which we need not concern ourselves. It is possible he may not have gone inside at all after his arrival. The hour when he parted with the constables Ahmadullah and Abdul Aziz would bring him home by the path north of his tank by half past seven or earlier. He must have then taken off his clothes and on going out afterwards, probably to the tank, was attacked by somebody.

The marks of the struggle seem to indicate one assailant, although it is possible that in disposing of the body more than one may have taken part. But this is a mere suspicion, and does not furnish a safe ground for drawing any inference against the accused other than Sadak.

The medical evidence does not show clearly whether the man was dead before he was thrown into the tank. It may be difficult at this distance of time to clear up this point, and as we have said before, it was singularly unfortunate that the doctor was not examined in the Sessions Court. The medical evidence, however, is clear that death was due to violence.

We think that the case against Sadak Ali, the first accused stands upon a totally different footing from the others. In our opinion, however, he has not had a fair trial in the Court below, and we think that the proper course for us to take is to direct that he should be re-tried. We accordingly set aside his conviction and direct that he be re-tried.

With regard to the statement of the boat-man Abdul Aziz that Aslam was in Sadak's company when the latter wanted to get away from the neighbourhood, we may observe that Aslam seems to have taken little or no part in the trying to secure the boat, and his presence with Sadak may be explained by a hypothesis, other than that of guilt, namely, relationship to the accused No. 1. In short, it is difficult to say merely on that circumstance that he had a hand in the crime. For the reasons already given we set aside the conviction of Appellant No. 2 (Aslam) and direct that he be discharged.

We now come to that part of the proceedings in the Court below which has caused us very great regret. A judge is entitled to comment on the conduct of any person directly or indirectly concerned with the case; in a criminal trial, he is entitled to criticise the laches or deficiencies of the police who are charged with the investigation or detection of the crime. Indeed, in our opinion, he would be failing in his duty were he to act otherwise when he has come to the conclusion that the police had not done their work properly or honestly. But in this case the learned Sessions Judge in his observations on the conduct of the Superintendent of the Police appears to have exceeded all legitimate limits of criticism. Even this may be considered excusable as due to generous indignation that the police should be a party to what the judge conceived to be a miscarriage of justice. But there is no possible excuse for introducing into the judgment matters which have not the remotest relevancy to the case, and comments upon people who have no sort of connection or concern with it. The Judge starts with the hypothesis that besides "the conviction or acquittal of four men on a capital charge" there are other and graver issues involved in the case. We desire to lay down emphatically for the information of the subordinate judiciary that in a criminal trial there is one issue, and one issue only, for the determination of the Court, *viz.*, the guilt or innocence of the persons accused.

The high position of a Judge and immunity with which the law surrounds his office and utterances are based on the assumption that he forms his judgment upon a calm and dispassionate consideration of the facts before him, and gives expression to his views in a judicial spirit without importing into it personal feeling or personal bias. It would be intolerable if a judgment was to be made the vehicle for giving vent to individual grievances or personal animosity or for the purpose of posing as the champion of public liberty. The introduction upon the record against all rules of law and principles of evidence of documents which have not the faintest bearing on or connection with the case which the Sessions Judge was trying, with the plain object of enabling him to ventilate his own grievances, real or fancied, and delivering a homily to the public upon the general wrong-doing of high-placed officials, has made a travesty of justice.

The judgment in this case in my opinion, and I say this with extreme regret, infringes every canon of judicial decorum and judicial propriety.

AMEER ALI.

The 17th April 1901.

Pratt, J.—I concur in the judgment which has just been delivered by my learned colleague and desire to add only a few remarks regarding the conduct of the presiding Judge in the Court below.

The spectacle which Mr. Pennell the Sessions Judge has presented in this case must be painful to every right thinking man.

The record abounds with documents which were not used in evidence either by the prosecution or on behalf of the defence. Mr. Pennell has chosen to import them himself and to make them Exhibits in defiance of the law of evidence, and ostensibly that they may be made public for his own personal and ulterior purposes.

He has set no bounds to his intemperate language, nor hesitated to heap vituperation upon the Viceroy, Lieutenant-Governor, High Court Judges, and many others wholly unconnected with the case before him. Imagining himself safe under the shield of what the law calls "privilege," he has taken an undue advantage of his position as Judge in order to vent his irritation upon all and sundry who he conceives, have incurred his resentment. It is not that he has in an unguarded moment given utterance to some ill-advised expression. Fully one-third of the judgment which occupies 80 pages of print and which he admittedly took 16 days to write, is devoted to a scathing condemnation of officials high and low in respect of matters wholly irrelevant to the case under trial. It can hardly be deemed honourable for a Judge to draw pay from Government for time spent not in performing the plain judicial duty that lay before him, but in elaborating an uncharitable indictment against that very Government, as well as against several individuals whose position as he well knew precludes them from offering any reply.

It is to be regretted that Mr. Pennell did not pause to reflect what a pernicious example he was setting to the subordinate judiciary. How could accused persons expect a fair trial, or how could the criminal administration of the country be regularly and decorously conducted if judges and magistrates were to air their individual grievances under cover of judicial decisions? Such a state of things could not be tolerated in any well ordered community.

The manner in which this trial has been conducted has placed the accused at a great and manifest disadvantage. The Judge did not bring to the trial a calm and dispassionate mind. He approached the case with preconceived ideas, readily accepting as true whatever evidence was adduced against the accused, and thus fail to discern or admit what ought to have been patent to any unprejudiced mind, *viz.*, that Hosain Ali and Torab Ali were false witnesses. He protracted the proceedings to a very unnecessary length, he allowed the Sub-Inspector's diaries to be exhibited and used for the purposes of the prosecution, but stopped the pleader for the accused from using them in his address to the Court. Moreover he exhibited numerous irrelevant documents behind the backs of the accused, and allowed them to distort his judicial vision and to produce in him a morbid belief, highly prejudicial to the accused, that the executive authorities were anxious to frustrate justice. The conviction of the accused was almost a foregone conclusion, or to adopt the Judge's own language "it was all over, but the shouting" directly the magistrate began to examine witnesses.

Under such circumstances it would be impossible for us to affirm the conviction of persons who have not had a fair trial. Sadak Ali's guilt or innocence must be determined by a new trial. As regards Aslam and Anwar Ali, their evidence is of such a nature that I have no hesitation in agreeing to their immediate discharge.

J. PRATT.

The 17th April 1901.

ANNEX No. 43 TO No. 1.

IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

The 26th April 1901.

CRIMINAL JURISDICTION.

Present

THE HONOURABLE MR. JUSTICE AMEER ALI;
and
THE HONOURABLE MR. JUSTICE PRATT,
Two of the Judges of the Court.

In the matter of
W. Y. Reily ... ... *Petitioner,*
versus
The King-Emperor ... ... *Opposite party.*

This proceeding arises out of the case of the King-Emperor against Sadak Ali and others disposed of by us on the 17th instant. The petitioner, who was holding at the time the office of District Superintendent of Police at Noakhali, appears to have been cited as a witness for the defence in that case. He was, however, called by the Sessions Judge himself on the 16th of January and was examined for three consecutive days. On the 7th of February he was ordered to enter into recognizances for appearance in the Sessions Court on the 11th following, and on any subsequent date to which the case may be adjourned. On the 15th of February the Sessions Judge delivered his judgment in the case, and on that day he had the petitioner arrested and committed to jail on charges under Sections 193, 466 and 471 of the Indian Penal Code. The 25th was fixed for commencing the preliminary inquiry. No proceeding was drawn up on that date (the 15th), the order now before us being recorded only on the following day, namely, the 16th of February. That order is in these terms:—" In the course of the Session's trial of Empress *versus* Sadak Ali and three others decided yesterday, I came to the opinion, for reasons stated in my judgment then delivered, that W. Y. Reily, superintendent of police of this district, has committed offences under Sections 193, 466 and 471 of the Indian Penal Code, and that it is my duty to hold an inquiry preliminary to committing him to the high court to be tried for those offences. Mr. Reily was yesterday arrested and committed to jail. There was then no time owing to the lateness of the hour to draw up this formal proceeding. He will be produced before me as directed in the warrant on the 25th February, when evidence will be taken." After the disposal of the case in this court, the petitioner applied for and obtained the present rule, calling upon the magistrate of the district to show cause why the proceedings instituted against him under those sections by the Sessions Judge of Noakhali, on the 16th of February, should not be set aside, *first*, on the ground that they are not warranted by law, as there was no proceeding drawn up on the day that he was committed to jail; *secondly*, on the ground that no specific statements are set out in the proceeding drawn up on the 16th upon which the petitioner is charged with having committed perjury; *thirdly*, on the ground that there are no statements in the said proceeding showing the character of the forgery charged against him under the sections referred to above, and, *fourthly*, on the ground that otherwise there is no foundation for the proceeding against him. The Sessions Judge has purported to act under Section 477 of the Code of Criminal Procedure, which provides that " subject to the provisions of Section 444 the Court of Sessions may charge a person for any offence referred to in Section 195 and committed before it or brought under its notice in the course of a judicial proceeding and may commit or admit to bail and try such person upon its own charge." It is an empowering section, and authorises a Court of Sessions when an offence referred to in Section 195 of the Code of Criminal Procedure has been committed before it or brought under its notice as mentioned in the section, to charge the offender and to commit, or admit to bail and try him upon its own charge. We observe that the Sessions Judge in one part of his judgment thinks the word " may " ought to be read as " must." There is no warrant, however, for that view. Having regard then to the phraseology of the law, it appears to us that if a Court of Session proceeds to take action under Section 477 it must in the first instance frame a charge so as to enable the accused to know the exact nature of the offence he is alleged to have committed. A charge is a precise formulation of the specific accusation made against a person, who is entitled to know its nature at the earliest stage. After the accusation has been formulated in the shape of a charge, the Sessions Court may then either commit the accused for trial before itself upon the charge so framed, or admit him to bail for the same purpose. In the matter before us the Sessions Judge had framed no charge when he had the petitioner arrested and sent to jail, nor was his proceeding of the 16th of February in any sense a charge or order of commitment. It contains no particulars of the statements made and acts done by the petitioner upon which perjury and forgery are charged against him. In our opinion the proceeding of the 16th of February was not warranted by law. The order states that "Mr. Reily was yesterday arrested and committed to jail. There was then no time, owing to the lateness of the hour, to draw up this formal proceeding. He will be produced before me, as directed in the warrant, on the 25th February, when evidence will be taken." So that, the petitioner, against whom no definite accusation had been formulated up to that time, and in whose case, according to the Sessions Judge himself, a preliminary inquiry was necessary, was to be kept in jail for nine days before even the matter could be inquired into. A preliminary inquiry is necessary for the purpose of determining whether there is a *primâ facie* case against the person accused. As the Sessions Judge did not charge the petitioner as he was empowered to do, and as he considered a preliminary inquiry necessary, it seems to us that until then, in the opinion of the Sessions Judge, there was not even a *primâ facie* case against the petitioner. In view of these facts we cannot help regarding the action of the Sessions Judge with the strongest disapproval.

Apart from the illegality of the order as already mentioned, and dealing with the merits of the case, we are of opinion that there is no foundation for the proceeding. We have already expressed our opinion in the judgment in the main case respecting the allegations of perjury made against the petitioner. We do not desire to repeat our observations. We may add, however, that we have again gone through the judgment of the Sessions Judge, and beyond surmises and assumptions we find nothing to justify the view that the petitioner wilfully perjured himself or intentionally gave false evidence in court.

There is less ground even for the charge of forgery. On the 15th of September the petitioner had visited the village and had a sketch map prepared of the locality by the writer head constable Mohim Chunder. A fair copy was made afterwards and both the draft and the fair copy were produced at the trial and are marked respectively as Exhibits A*a* and A. Exhibit A bears the signature of the petitioner, and the date 15th September. The learned Sessions Judge thinks that exhibit A could not have been prepared on the 15th, and he therefore comes to the conclusion that the petitioner had purposely antedated his signature, "because he did not want Mr. Ezechiel to know that Exhibit A was a copy. He wanted Mr. Ezechiel to believe that it was a plan made by himself on the 15th instead of being, as it really is, a copy made after the 15th of a plan made partly in and in great part (and that the most important part) out of Mr. Reily's presence on the 14th, 15th and possibly subsequent dates." It is worthy of note that not a single question was put to the petitioner to enable him to explain the circumstances under which he came to put the date on the map as the 15th September. Again, it appears that there are two pencil marks on Exhibit A*a* which the petitioner states were intended to indicate two breaks on one of the roads. These two pencil marks are not shown on Exhibit A. The petitioner explains the absence of those marks by saying :—"It might be an omission on the part of Mohim Chunder." The Sessions Judge, however, thinks that the petitioner tampered with Exhibit A*a* after it had been prepared. We must quote here the Judge's own language. Referring to the draft he says as follows :—

"The rough map is Exhibit A*a*. Mr. Reily admits that he had it in his hand two days before Tarak Babú examined him, *i.e.*, on the first day of his exmination. He had therefore the opportunity of tampering with it. And it is very significant that Bharat Babu, who says in cross-examination that he saw the draft as it was made, declared, even without taking it into his hand, that he did not see Exhibit A*a* the plan Mr. Reily swears is the draft, and when pressed says that he cannot say for certain whether or not it is the draft. I think most likely it is the draft, but that Bharat Babu knows it has been added to and does not want to be asked about the additions. Both Exhibits A and A*a* are the work of the head constable Mohim Chandra Mozumdar. And as Exhibit A has nothing of Mr. Reily's but his signature and the date, so Exhibit A*a* has nothing of his but certain pencil marks shortly to be noticed. Both the entries are false documents within the meaning of Section 464 of the Indian Penal Code; for in each case Mr. Reily's intention, when he made the entry, was to make people (in the first case Mr. Ezechiel, in the second this court) believe that the entry was made at a time at which he knew that it was not made, and as the documents purported to be made by a public servant in his official capacity, Mr. Reily, by making them, appears to have committed offences under Section 466 of the Indian Penal Code, and by using them, as genuine, to have committed offences under Section 471." In page 127 occurs this remarkable passage :—" I now come to the draft Exhibit A*a*. Mohim Chandra Mozumdar who made this draft says he did not show any break in it at all, that he was never told to, and did not think it necessary to. But Mr. Reily points to two pencil marks at the place marked Exhibit A*a* and says he made these to indicate the break, and so I have no doubt he did make them, but I have equally little doubt that he made them on the 16th January 1901, and not on the 15th September 1900. Mr. Reily explains the absence of any such marks from Exhibit A by saying it might be an omission on the part of Mohim. But the far more obvious explanation is that Mr. Reily was unable to tamper with Exhibit A."

It is needless to refer to the absence of sequence in the reasoning or the assumptions on which it proceeds. Taking it however that Exhibit A was purposely antedated to deceive Mr. Ezechiel, and that the pencil marks were put in exhibit A*a* after it had been prepared, we fail to see how the petitioner could be charged under Sections 466 and 471 of the Indian Penal Code. Section 463 which defines the term "forgery" runs as follows :—" Whoever makes any false document or part of a document with intent to cause damage or injury to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery." Section 464 then explains the expression "making a false document." The elements of fraud or dishonesty, as explained in the Penal Code, must be present in the mind of the person accused to bring his act under Sections 466 and 471 of the Indian Penal Code. In our opinion the charge against the petitioner of committing forgery or making use of a forged document, even upon the assumptions of the Sessions Judge, cannot be sustained. But in our judgment there is no ground for the assumption of the Judge that exhibit A was purposely antedated: The inspection of the locality having unquestionably taken place on the 15th and the results noted in Exhibit A*a*, the fair copy, whenever prepared (and excepting the hypothesis of the Sessions Judge there is nothing to show it could not have been prepared on that day) would naturally bear the date of the inspection, and any other date would misrepresent the fact.

As regards the pencil marks on Exhibit A*a*, there is absolutely no reason for suggesting them to be dishonest interpolations by the petitioner or for not accepting his explanations regarding their omission from Exhibit A. It was no doubt wrong on the part of the petitioner not to have insisted on the breaks being shown on the maps, and that error of judgment is deserving of censure, but in our opinion the imputation of forgery and of having used a forged document is not only groundless but a straining of the law as well as the facts.

We may observe in this connection that the offence of giving false evidence, Section 193, is bailable, so also is the offence of using a forged document, Section 471, whilst forgery, Section 466, is non-bailable. It was unfortunate that the Sessions Judge applied Section 466 against the petitioner in the way he has done, as it gives colour to the suggestion made at the bar that it was purposely used to deprive the petitioner of the right of bail.

We regret to observe that in dealing with this matter the Sessions Judge does not seem to have maintained a judicial balance of mind.

For these reasons we think that his order must be set aside, and we set it aside accordingly.

A copy of this judgment will be forwarded to the Local Government.

AMEER ALI.
J. PRATT.

The 26th April 1901.